

Tab 1	SB 36 by Passidomo ; Florida Statutes
Tab 2	SB 38 by Passidomo ; Florida Statutes
Tab 3	SB 40 by Passidomo ; Florida Statutes
Tab 4	SB 42 by Passidomo ; Florida Statutes
Tab 5	CS/SB 50 by AEG, Garcia ; Similar to H 00371 Nature-based Methods for Improving Coastal Resilience
Tab 6	SB 108 by Grall (CO-INTRODUCERS) Burgess ; Compare to H 00433 Administrative Procedures 345014 D S RC, Grall Delete everything after 03/11 09:53 AM
Tab 7	CS/SB 116 by AHS, Burgess (CO-INTRODUCERS) Collins ; Similar to H 01043 Veterans 771978 A S RC, Burgess Delete L.94 - 136: 03/11 08:44 AM
Tab 8	SB 118 by Brodeur (CO-INTRODUCERS) Gaetz, DiCeglie, Fine ; Similar to CS/H 00069 Regulation of Presidential Libraries
Tab 9	CS/SB 126 by CM, Bradley ; Similar to H 00101 Prescription Hearing Aids
Tab 10	CS/SB 150 by CJ, Gaetz (CO-INTRODUCERS) Arrington ; Similar to H 00205 Abandoning Restrained Animals During Natural Disasters
Tab 11	CS/SB 160 by RI, Gruters (CO-INTRODUCERS) Boyd, Rodriguez ; Similar to H 00133 Public Accountancy
Tab 12	SB 294 by Harrell ; Similar to H 00689 Collaborative Pharmacy Practice for Chronic Health Conditions
Tab 13	SM 314 by Wright (CO-INTRODUCERS) Collins ; Identical to H 04005 Florida National Guard Increased Force Structure
Tab 14	CS/SB 322 by JU, Rodriguez ; Similar to H 00213 Property Rights 627756 A S RC, Rodriguez btw L.245 - 246: 03/07 02:13 PM
Tab 15	CS/SB 348 by EE, Gaetz (CO-INTRODUCERS) Collins ; Similar to H 00399 Ethics
Tab 16	SB 356 by Berman (CO-INTRODUCERS) Davis, Polsky, Arrington, Smith, Gaetz ; Identical to H 00251 Holocaust Remembrance Day

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Wednesday, March 12, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 36 Passidomo	Florida Statutes; Adopting the Florida Statutes 2025 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2025 shall be effective immediately upon publication; providing that general laws enacted during the 2024 regular session and prior thereto and not included in the Florida Statutes are repealed; providing that general laws enacted after the 2024 regular session are not repealed by this adoption act, etc.	RC 03/12/2025
2	SB 38 Passidomo	Florida Statutes; Amending provisions to conform to section 63 of chapter 2024-140, Laws of Florida, which directs the Division of Law Revision to prepare a reviser’s bill for the 2025 Regular Session of the Legislature to change the term “Division of Investigative and Forensic Services” to “Division of Criminal Investigations” wherever it appears in the Florida Statutes, etc.	RC 03/12/2025
3	SB 40 Passidomo	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2024 Florida Statutes only through a reviser’s bill duly enacted by the Legislature, etc.	RC 03/12/2025

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 42 Passidomo	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation, etc.	RC 03/12/2025
5	CS/SB 50 Appropriations Committee on Agriculture, Environment, and General Government / Garcia (Similar H 371)	Nature-based Methods for Improving Coastal Resilience; Requiring the Florida Flood Hub for Applied Research and Innovation at the University of South Florida College of Marine Science to develop design guidelines and standards for green and gray infrastructure and models for conceptual designs of green infrastructure and green-gray infrastructure; requiring the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based methods being used for a specified purpose, etc.	EN 02/11/2025 Favorable AEG 03/05/2025 Fav/CS RC 03/12/2025
6	SB 108 Grall (Compare H 433)	Administrative Procedures; Requiring agencies to publish a certain notice of proposed rule within a specified timeframe; deleting a provision related to the timeframe within which rules are required to be drafted and formally proposed; providing that a proposal for a lower cost regulatory alternative submitted after a notice of change is made in good faith only if the proposal contains certain statements; requiring agencies, by a specified date and in coordination with the committee, to review specified rules adopted before a specified date; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans, etc.	GO 02/11/2025 Favorable GO 02/18/2025 RC 03/12/2025

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 116 Appropriations Committee on Health and Human Services / Burgess (Similar H 1043, Compare H 845)	Veterans; Requiring the Department of Veterans' Affairs to conduct a study that includes a survey evaluating the extent to which specified persons are aware of certain existing programs or services; requiring the department to ensure coordination to the greatest extent possible with the United States Department of Defense for a specified purpose; revising the purpose of the Veteran Suicide Prevention Training Pilot Program to include specialized mental health training; requiring the Department of Veterans' Affairs to develop a plan to establish adult day health care facilities across this state to serve veterans and their families, etc.	MS 02/18/2025 Favorable AHS 03/05/2025 Fav/CS RC 03/12/2025
8	SB 118 Brodeur (Similar CS/H 69)	Regulation of Presidential Libraries; Preempting to the state all regulatory authority over the establishment, maintenance, activities, and operations of presidential libraries; defining the term "presidential library"; prohibiting counties, municipalities, or other political subdivisions from enacting or enforcing any ordinance, resolution, rule, or other measure regarding presidential libraries unless authorized by federal law, etc.	CA 02/18/2025 Favorable RC 03/12/2025
9	CS/SB 126 Commerce and Tourism / Bradley (Similar H 101)	Prescription Hearing Aids; Authorizing the distribution of prescription hearing aids through the mail to patients 18 years of age or older before a scheduled telehealth appointment with a Florida-licensed audiologist or hearing aid specialist, respectively, if certain requirements are met; authorizing the sale of prescription hearing aids through the mail to patients 18 years of age or older who have been fitted for such hearing aids by a licensed audiologist or licensed hearing aid specialist, respectively, etc.	HP 02/18/2025 Favorable CM 03/03/2025 Fav/CS RC 03/12/2025
10	CS/SB 150 Criminal Justice / Gaetz (Similar H 205, Compare H 79)	Abandoning Restrained Animals During Natural Disasters; Citing this act as "Trooper's Law"; prohibiting the abandonment of an animal that is restrained outside during a natural disaster, etc.	CJ 02/11/2025 Fav/CS AG 03/03/2025 Favorable RC 03/12/2025

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/SB 160 Regulated Industries / Gruters (Similar H 133)	Public Accountancy; Authorizing the Board of Accountancy to contract with certain corporations not for profit for the performance of certain duties assigned to the Division of Certified Public Accounting of the Department of Business and Professional Regulation; revising the education and work experience requirements for a certified public accountant license; revising requirements for the approval of providers who administer continuing education on ethics for certified public accountants, etc.	RI 02/18/2025 Fav/CS AEG 03/05/2025 Favorable RC 03/12/2025
12	SB 294 Harrell (Similar H 689)	Collaborative Pharmacy Practice for Chronic Health Conditions; Revising the definition of the term "chronic health condition" to exclude specified heart conditions for purposes of collaborative pharmacy practice for chronic health conditions, etc.	HP 02/18/2025 Favorable AHS 03/05/2025 Favorable RC 03/12/2025
13	SM 314 Wright (Identical HM 4005)	Florida National Guard Increased Force Structure; Urging the Congress of the United States to impel the National Guard Bureau to examine the present allocations of the Florida National Guard and allow an increase in its force structure, etc.	MS 02/18/2025 Favorable RC 03/12/2025
14	CS/SB 322 Judiciary / Rodriguez (Similar H 213)	Property Rights; Authorizing a property owner or his or her authorized agent to request the sheriff in the county in which the owner's commercial real property is located to immediately remove persons unlawfully occupying the owner's commercial real property if specified conditions are met; authorizing the sheriff to arrest an unauthorized person for legal cause; prohibiting unlawfully detaining or occupying or trespassing upon commercial real property and intentionally causing a specified amount of damage, etc.	JU 02/18/2025 Fav/CS ACJ 03/05/2025 Favorable RC 03/12/2025

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	CS/SB 348 Ethics and Elections / Gaetz (Similar H 399)	Ethics; Prohibiting candidates, elected public officers, appointed public officers, and public employees from knowingly misrepresenting their Armed Forces of the United States service records, awards, or qualifications or wearing any uniform, medal, or insignia that they are not authorized to wear; requiring the Attorney General to attempt to determine whether an individual owing certain penalties is a current public officer or public employee, etc.	
		EE 02/18/2025 Fav/CS MS 03/04/2025 Favorable RC 03/12/2025	
16	SB 356 Berman (Identical H 251)	Holocaust Remembrance Day; Requiring the Governor to proclaim a specified day annually as "Holocaust Remembrance Day"; authorizing "Holocaust Remembrance Day" to be observed in this state's public schools and be observed by public exercise as the Governor may designate, etc.	
		ED 03/03/2025 Favorable RC 03/12/2025	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 36

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLR)</u>	<u>Yeatman</u>	<u>RC</u>	<u>Pre-meeting</u>

I. Summary:

SB 36 is drafted by the Division of Law Revision of the Office of Legislative Services to adopt the Florida Statutes 2025 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

II. Present Situation:

The 2025 adoption act will adopt all statute material passed through the 2024 Regular Session and printed in the 2025 edition. Material passed in a session occurring since publication of the 2024 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

III. Effect of Proposed Changes:

The adoption act provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2025 adoption act adopts as the official statute law of the state those portions of the 2025 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2024). Portions carried forward from the 2024 edition are the official law of the state and, therefore, constitute the best evidence of the law. Any portions resulting from sessions occurring subsequent to the publication of the 2024 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2024 Florida Statutes that does not appear in the 2024 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

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 Passidomo

28-00526-25

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A bill to be entitled

An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2025 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2025 shall be effective immediately upon publication; providing that general laws enacted during the 2024 regular session and prior thereto and not included in the Florida Statutes are repealed; providing that general laws enacted after the 2024 regular session are not repealed by this adoption act; providing an effective date.

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

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2025 2024 adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2024 2023 of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2024 2023 enacted in additional reviser's bill or bills by the 2025 2024 Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2025 2024" and shall take effect

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immediately upon publication. Said statutes may be cited as "Florida Statutes 2025 2024," "Florida Statutes," or "F.S. 2025 2024."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the 2024 2023 regular legislative session, and every part of such statute, not included in Florida Statutes 2025 2024, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted after at the ~~November 6-9, 2023, special session through~~ the 2024 regular session are not repealed by the adoption and enactment of the Florida Statutes 2025 2024 by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2025 2024, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which

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enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 38

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLR)</u>	<u>Yeatman</u>	<u>RC</u>	<u>Pre-meeting</u>

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills. Responses to directives from the Legislature to make specific changes in the statutes are also submitted to the Legislature via reviser’s bills.

Section 63, ch. 2024-140, Laws of Florida, directed the Division of Law Revision to “prepare a reviser’s bill for the 2025 Regular Session of the Legislature to change the term ‘Division of Investigative and Forensic Services’ wherever it appears in the Florida Statutes to ‘Division of Criminal Investigations.’”

SB 38 amends the following sections of the Florida Statutes: ss. 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12, 552.113, 624.115, 624.521, 626.016, 626.989, 626.9891, 626.9893, 626.9894, 626.9896, 626.99278, 627.351, 627.711, 627.736, 627.7401, 631.156, 633.114, 633.126, 641.30, 791.013, 817.234, 843.08, and 932.7055, F.S.

II. Present Situation:

Currently, the Florida Statutes contain a number of references to the term “Division of Investigative and Forensic Services,” which are subject to the directive in s. 63, ch. 2024-140, Laws of Florida.

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 63, ch. 2024-140, Laws of Florida, by replacing references to the term “Division of Investigative and Forensic Services” within the Florida Statutes with the term “Division of Criminal Investigations.”

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12, 552.113, 624.115, 624.521, 626.016, 626.989, 626.9891, 626.9893, 626.9894, 626.9896, 626.99278, 627.351, 627.711, 627.736, 627.7401, 631.156, 633.114, 633.126, 641.30, 791.013, 817.234, 843.08, and 932.7055, F.S.

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 Passidomo

28-00529-25

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12,
 4 552.113, 624.115, 624.521, 626.016, 626.989, 626.9891,
 5 626.9893, 626.9894, 626.9896, 626.99278, 627.351,
 6 627.711, 627.736, 627.7401, 631.156, 633.114, 633.126,
 7 641.30, 791.013, 817.234, 843.08, and 932.7055, F.S.,
 8 to conform to section 63 of chapter 2024-140, Laws of
 9 Florida, which directs the Division of Law Revision to
 10 prepare a reviser's bill for the 2025 Regular Session
 11 of the Legislature to change the term "Division of
 12 Investigative and Forensic Services" to "Division of
 13 Criminal Investigations" wherever it appears in the
 14 Florida Statutes; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 16.59, Florida Statutes, is amended to
 19 read:

20 16.59 Medicaid fraud control.—The Medicaid Fraud Control
 21 Unit is created in the Department of Legal Affairs to
 22 investigate all violations of s. 409.920 and any criminal
 23 violations discovered during the course of those investigations.
 24 The Medicaid Fraud Control Unit may refer any criminal violation
 25 so uncovered to the appropriate prosecuting authority. The
 26 offices of the Medicaid Fraud Control Unit, the Agency for
 27 Health Care Administration Medicaid program integrity program,
 28 and the Divisions of Criminal Investigations ~~Investigative and~~
 29 ~~Forensic Services~~ and Public Assistance Fraud within the

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30 Department of Financial Services shall, to the extent possible,
 31 be collocated; however, positions dedicated to Medicaid managed
 32 care fraud within the Medicaid Fraud Control Unit shall be
 33 collocated with the Division of Criminal Investigations
 34 ~~Investigative and Forensic Services~~. The Agency for Health Care
 35 Administration, the Department of Legal Affairs, and the
 36 Divisions of Criminal Investigations ~~Investigative and Forensic~~
 37 ~~Services~~ and Public Assistance Fraud within the Department of
 38 Financial Services shall conduct joint training and other joint
 39 activities designed to increase communication and coordination
 40 in recovering overpayments.

41 Section 2. Subsection (9) of section 400.9935, Florida
 42 Statutes, is amended to read:

43 400.9935 Clinic responsibilities.—

44 (9) In addition to the requirements of part II of chapter
 45 408, the clinic shall display a sign in a conspicuous location
 46 within the clinic readily visible to all patients indicating
 47 that, pursuant to s. 626.9892, the Department of Financial
 48 Services may pay rewards of up to \$25,000 to persons providing
 49 information leading to the arrest and conviction of persons
 50 committing crimes investigated by the Division of Criminal
 51 Investigations ~~Investigative and Forensic Services~~ arising from
 52 violations of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or
 53 s. 817.234. An authorized employee of the Division of Criminal
 54 Investigations ~~Investigative and Forensic Services~~ may make
 55 unannounced inspections of a clinic licensed under this part as
 56 necessary to determine whether the clinic is in compliance with
 57 this subsection. A licensed clinic shall allow full and complete
 58 access to the premises to such authorized employee of the

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59 division who makes an inspection to determine compliance with
60 this subsection.

61 Section 3. Subsection (6) of section 409.91212, Florida
62 Statutes, is amended to read:

63 409.91212 Medicaid managed care fraud.—

64 (6) Each managed care plan shall report all suspected or
65 confirmed instances of provider or recipient fraud or abuse
66 within 15 calendar days after detection to the Office of
67 Medicaid Program Integrity within the agency. At a minimum the
68 report must contain the name of the provider or recipient, the
69 Medicaid billing number or tax identification number, and a
70 description of the fraudulent or abusive act. The Office of
71 Medicaid Program Integrity in the agency shall forward the
72 report of suspected overpayment, abuse, or fraud to the
73 appropriate investigative unit, including, but not limited to,
74 the Bureau of Medicaid program integrity, the Medicaid fraud
75 control unit, the Division of Public Assistance Fraud, the
76 Division of Criminal Investigations ~~Investigative and Forensic~~
77 ~~Services~~, or the Department of Law Enforcement.

78 (a) Failure to timely report shall result in an
79 administrative fine of \$1,000 per calendar day after the 15th
80 day of detection.

81 (b) Failure to timely report may result in additional
82 administrative, civil, or criminal penalties.

83 Section 4. Paragraph (a) of subsection (1) of section
84 440.105, Florida Statutes, is amended to read:

85 440.105 Prohibited activities; reports; penalties;
86 limitations.—

87 (1) (a) Any insurance carrier, any individual self-insured,

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88 any commercial or group self-insurance fund, any professional
89 practitioner licensed or regulated by the Department of Health,
90 except as otherwise provided by law, any medical review
91 committee as defined in s. 766.101, any private medical review
92 committee, and any insurer, agent, or other person licensed
93 under the insurance code, or any employee thereof, having
94 knowledge or who believes that a fraudulent act or any other act
95 or practice which, upon conviction, constitutes a felony or
96 misdemeanor under this chapter is being or has been committed
97 shall send to the Division of Criminal Investigations
98 ~~Investigative and Forensic Services~~, Bureau of Workers'
99 Compensation Fraud, a report or information pertinent to such
100 knowledge or belief and such additional information relative
101 thereto as the bureau may require. The bureau shall review such
102 information or reports and select such information or reports
103 as, in its judgment, may require further investigation. It shall
104 then cause an independent examination of the facts surrounding
105 such information or report to be made to determine the extent,
106 if any, to which a fraudulent act or any other act or practice
107 which, upon conviction, constitutes a felony or a misdemeanor
108 under this chapter is being committed. The bureau shall report
109 any alleged violations of law which its investigations disclose
110 to the appropriate licensing agency and state attorney or other
111 prosecuting agency having jurisdiction with respect to any such
112 violations of this chapter. If prosecution by the state attorney
113 or other prosecuting agency having jurisdiction with respect to
114 such violation is not begun within 60 days of the bureau's
115 report, the state attorney or other prosecuting agency having
116 jurisdiction with respect to such violation shall inform the

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117 bureau of the reasons for the lack of prosecution.

118 Section 5. Subsections (1) and (2) of section 440.1051,
119 Florida Statutes, are amended to read:

120 440.1051 Fraud reports; civil immunity; criminal
121 penalties.—

122 (1) The Bureau of Workers' Compensation Insurance Fraud of
123 the Division of Criminal Investigations ~~Investigative and~~
124 ~~Forensic Services~~ of the department shall establish a toll-free
125 telephone number to receive reports of workers' compensation
126 fraud committed by an employee, employer, insurance provider,
127 physician, attorney, or other person.

128 (2) Any person who reports workers' compensation fraud to
129 the Division of Criminal Investigations ~~Investigative and~~
130 ~~Forensic Services~~ under subsection (1) is immune from civil
131 liability for doing so, and the person or entity alleged to have
132 committed the fraud may not retaliate against him or her for
133 providing such report, unless the person making the report knows
134 it to be false.

135 Section 6. Paragraph (c) of subsection (1) of section
136 440.12, Florida Statutes, is amended to read:

137 440.12 Time for commencement and limits on weekly rate of
138 compensation.—

139 (1) Compensation is not allowed for the first 7 days of the
140 disability, except for benefits provided under s. 440.13.
141 However, if the injury results in more than 21 days of
142 disability, compensation is allowed from the commencement of the
143 disability.

144 (c) Each carrier shall keep a record of all payments made
145 under this subsection, including the time and manner of such

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146 payments, and shall furnish these records or a report based on
147 these records to the Division of Criminal Investigations
148 ~~Investigative and Forensic Services~~ and the Division of Workers'
149 Compensation, upon request.

150 Section 7. Subsection (3) of section 552.113, Florida
151 Statutes, is amended to read:

152 552.113 Reports of thefts, illegal use, or illegal
153 possession.—

154 (3) The Division of Criminal Investigations ~~Investigative~~
155 ~~and Forensic Services~~ shall investigate, or be certain that a
156 qualified law enforcement agency investigates, the cause and
157 circumstances of each theft, illegal use, or illegal possession
158 of explosives which occurs within the state. A report of each
159 such investigation shall be made and maintained by the Division
160 of Criminal Investigations ~~Investigative and Forensic Services~~.

161 Section 8. Section 624.115, Florida Statutes, is amended to
162 read:

163 624.115 Referral of criminal violations.—If, during an
164 investigation or examination, the office has reason to believe
165 that any criminal law of this state has or may have been
166 violated, the office shall refer any relevant records and
167 information to the Division of Criminal Investigations
168 ~~Investigative and Forensic Services~~, state or federal law
169 enforcement, or prosecutorial agencies, as applicable, and shall
170 provide investigative assistance to those agencies as required.

171 Section 9. Subsection (1) of section 624.521, Florida
172 Statutes, is amended to read:

173 624.521 Deposit of certain tax receipts; refund of improper
174 payments.—

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175 (1) The department shall promptly deposit in the State
 176 Treasury to the credit of the Insurance Regulatory Trust Fund
 177 all "state tax" portions of agents' licenses collected under s.
 178 624.501 necessary to fund the Division of Criminal
 179 Investigations ~~Investigative and Forensic Services~~. The balance
 180 of the tax shall be credited to the General Fund. All moneys
 181 received by the department or the office not in accordance with
 182 this code or not in the exact amount as specified by the
 183 applicable provisions of this code shall be returned to the
 184 remitter. The records of the department or office shall show the
 185 date and reason for such return.

186 Section 10. Subsection (4) of section 626.016, Florida
 187 Statutes, is amended to read:

188 626.016 Powers and duties of department, commission, and
 189 office.-

190 (4) This section is not intended to limit the authority of
 191 the department and the Division of Criminal Investigations
 192 ~~Investigative and Forensic Services~~, as specified in s. 626.989.

193 Section 11. Section 626.989, Florida Statutes, is amended
 194 to read:

195 626.989 Investigation by department or Division of Criminal
 196 Investigations ~~Investigative and Forensic Services~~; compliance;
 197 immunity; confidential information; reports to division;
 198 division investigator's power of arrest.-

199 (1) For the purposes of this section:

200 (a) A person commits a "fraudulent insurance act" if the
 201 person:

202 1. Knowingly and with intent to defraud presents, causes to
 203 be presented, or prepares with knowledge or belief that it will

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204 be presented, to or by an insurer, self-insurer, self-insurance
 205 fund, servicing corporation, purported insurer, broker, or any
 206 agent thereof, any written statement as part of, or in support
 207 of, an application for the issuance of, or the rating of, any
 208 insurance policy, or a claim for payment or other benefit
 209 pursuant to any insurance policy, which the person knows to
 210 contain materially false information concerning any fact
 211 material thereto or if the person conceals, for the purpose of
 212 misleading another, information concerning any fact material
 213 thereto.

214 2. Knowingly submits:

215 a. A false, misleading, or fraudulent application or other
 216 document when applying for licensure as a health care clinic,
 217 seeking an exemption from licensure as a health care clinic, or
 218 demonstrating compliance with part X of chapter 400 with an
 219 intent to use the license, exemption from licensure, or
 220 demonstration of compliance to provide services or seek
 221 reimbursement under the Florida Motor Vehicle No-Fault Law.

222 b. A claim for payment or other benefit pursuant to a
 223 personal injury protection insurance policy under the Florida
 224 Motor Vehicle No-Fault Law if the person knows that the payee
 225 knowingly submitted a false, misleading, or fraudulent
 226 application or other document when applying for licensure as a
 227 health care clinic, seeking an exemption from licensure as a
 228 health care clinic, or demonstrating compliance with part X of
 229 chapter 400.

230 (b) The term "insurer" also includes a health maintenance
 231 organization, and the term "insurance policy" also includes a
 232 health maintenance organization subscriber contract.

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233 (2) If, by its own inquiries or as a result of complaints,
 234 the department or its Division of Criminal Investigations
 235 ~~Investigative and Forensic Services~~ has reason to believe that a
 236 person has engaged in, or is engaging in, a fraudulent insurance
 237 act, an act or practice that violates s. 626.9541 or s. 817.234,
 238 or an act or practice punishable under s. 624.15, it may
 239 administer oaths and affirmations, request the attendance of
 240 witnesses or proffering of matter, and collect evidence. The
 241 department or its Division of Criminal Investigations
 242 ~~Investigative and Forensic Services~~ shall not compel the
 243 attendance of any person or matter in any such investigation
 244 except pursuant to subsection (4).

245 (3) If matter that the department or its division seeks to
 246 obtain by request is located outside the state, the person so
 247 requested may make it available to the division or its
 248 representative to examine the matter at the place where it is
 249 located. The division may designate representatives, including
 250 officials of the state in which the matter is located, to
 251 inspect the matter on its behalf, and it may respond to similar
 252 requests from officials of other states.

253 (4)(a) The department or its division may request that an
 254 individual who refuses to comply with any such request be
 255 ordered by the circuit court to provide the testimony or matter.
 256 The court shall not order such compliance unless the department
 257 or its division has demonstrated to the satisfaction of the
 258 court that the testimony of the witness or the matter under
 259 request has a direct bearing on the commission of a fraudulent
 260 insurance act, on a violation of s. 626.9541 or s. 817.234, or
 261 on an act or practice punishable under s. 624.15 or is pertinent

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262 and necessary to further such investigation.

263 (b) Except in a prosecution for perjury, an individual who
 264 complies with a court order to provide testimony or matter after
 265 asserting a privilege against self-incrimination to which the
 266 individual is entitled by law may not be subjected to a criminal
 267 proceeding or to a civil penalty with respect to the act
 268 concerning which the individual is required to testify or
 269 produce relevant matter.

270 (c) In the absence of fraud or bad faith, a person is not
 271 subject to civil liability for libel, slander, or any other
 272 relevant tort by virtue of filing reports, without malice, or
 273 furnishing other information, without malice, required by this
 274 section or required by the department or division under the
 275 authority granted in this section, and no civil cause of action
 276 of any nature shall arise against such person:

277 1. For any information relating to suspected fraudulent
 278 insurance acts or persons suspected of engaging in such acts
 279 furnished to or received from law enforcement officials, their
 280 agents, or employees;

281 2. For any information relating to suspected fraudulent
 282 insurance acts or persons suspected of engaging in such acts
 283 furnished to or received from other persons subject to the
 284 provisions of this chapter;

285 3. For any such information furnished in reports to the
 286 department, the division, the National Insurance Crime Bureau,
 287 the National Association of Insurance Commissioners, or any
 288 local, state, or federal enforcement officials or their agents
 289 or employees; or

290 4. For other actions taken in cooperation with any of the

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291 agencies or individuals specified in this paragraph in the
 292 lawful investigation of suspected fraudulent insurance acts.

293 (d) In addition to the immunity granted in paragraph (c),
 294 persons identified as designated employees whose
 295 responsibilities include the investigation and disposition of
 296 claims relating to suspected fraudulent insurance acts may share
 297 information relating to persons suspected of committing
 298 fraudulent insurance acts with other designated employees
 299 employed by the same or other insurers whose responsibilities
 300 include the investigation and disposition of claims relating to
 301 fraudulent insurance acts, provided the department has been
 302 given written notice of the names and job titles of such
 303 designated employees prior to such designated employees sharing
 304 information. Unless the designated employees of the insurer act
 305 in bad faith or in reckless disregard for the rights of any
 306 insured, neither the insurer nor its designated employees are
 307 civilly liable for libel, slander, or any other relevant tort,
 308 and a civil action does not arise against the insurer or its
 309 designated employees:

310 1. For any information related to suspected fraudulent
 311 insurance acts provided to an insurer; or

312 2. For any information relating to suspected fraudulent
 313 insurance acts provided to the National Insurance Crime Bureau
 314 or the National Association of Insurance Commissioners.

315

316 Provided, however, that the qualified immunity against civil
 317 liability conferred on any insurer or its designated employees
 318 shall be forfeited with respect to the exchange or publication
 319 of any defamatory information with third persons not expressly

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320 authorized by this paragraph to share in such information.

321 (e) The Chief Financial Officer and any employee or agent
 322 of the department, commission, office, or division, when acting
 323 without malice and in the absence of fraud or bad faith, is not
 324 subject to civil liability for libel, slander, or any other
 325 relevant tort, and no civil cause of action of any nature exists
 326 against such person by virtue of the execution of official
 327 activities or duties of the department, commission, or office
 328 under this section or by virtue of the publication of any report
 329 or bulletin related to the official activities or duties of the
 330 department, division, commission, or office under this section.

331 (f) This section does not abrogate or modify in any way any
 332 common-law or statutory privilege or immunity heretofore enjoyed
 333 by any person.

334 (5) The office's and the department's papers, documents,
 335 reports, or evidence relative to the subject of an investigation
 336 under this section are confidential and exempt from the
 337 provisions of s. 119.07(1) until such investigation is completed
 338 or ceases to be active. For purposes of this subsection, an
 339 investigation is considered "active" while the investigation is
 340 being conducted by the office or department with a reasonable,
 341 good faith belief that it could lead to the filing of
 342 administrative, civil, or criminal proceedings. An investigation
 343 does not cease to be active if the office or department is
 344 proceeding with reasonable dispatch and has a good faith belief
 345 that action could be initiated by the office or department or
 346 other administrative or law enforcement agency. After an
 347 investigation is completed or ceases to be active, portions of
 348 records relating to the investigation shall remain exempt from

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349 the provisions of s. 119.07(1) if disclosure would:

350 (a) Jeopardize the integrity of another active

351 investigation;

352 (b) Impair the safety and soundness of an insurer;

353 (c) Reveal personal financial information;

354 (d) Reveal the identity of a confidential source;

355 (e) Defame or cause unwarranted damage to the good name or

356 reputation of an individual or jeopardize the safety of an

357 individual; or

358 (f) Reveal investigative techniques or procedures. Further,

359 such papers, documents, reports, or evidence relative to the

360 subject of an investigation under this section shall not be

361 subject to discovery until the investigation is completed or

362 ceases to be active. Office, department, or division

363 investigators shall not be subject to subpoena in civil actions

364 by any court of this state to testify concerning any matter of

365 which they have knowledge pursuant to a pending insurance fraud

366 investigation by the division.

367 (6) (a) Any person, other than an insurer, agent, or other

368 person licensed under the code, or an employee thereof, having

369 knowledge or who believes that a fraudulent insurance act or any

370 other act or practice which, upon conviction, constitutes a

371 felony or a misdemeanor under the code, or under s. 817.234, is

372 being or has been committed may send to the Division of Criminal

373 Investigations ~~Investigative and Forensic Services~~ a report or

374 information pertinent to such knowledge or belief and such

375 additional information relative thereto as the department may

376 request. Any professional practitioner licensed or regulated by

377 the Department of Business and Professional Regulation, except

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378 as otherwise provided by law, any medical review committee as

379 defined in s. 766.101, any private medical review committee, and

380 any insurer, agent, or other person licensed under the code, or

381 an employee thereof, having knowledge or who believes that a

382 fraudulent insurance act or any other act or practice which,

383 upon conviction, constitutes a felony or a misdemeanor under the

384 code, or under s. 817.234, is being or has been committed shall

385 send to the Division of Criminal Investigations ~~Investigative~~

386 ~~and Forensic Services~~ a report or information pertinent to such

387 knowledge or belief and such additional information relative

388 thereto as the department may require.

389 (b) The Division of Criminal Investigations ~~Investigative~~

390 ~~and Forensic Services~~ shall review such information or reports

391 and select such information or reports as, in its judgment, may

392 require further investigation. It shall then cause an

393 independent examination of the facts surrounding such

394 information or report to be made to determine the extent, if

395 any, to which a fraudulent insurance act or any other act or

396 practice which, upon conviction, constitutes a felony or a

397 misdemeanor under the code, or under s. 817.234, is being

398 committed.

399 (c) The Division of Criminal Investigations ~~Investigative~~

400 ~~and Forensic Services~~ shall report any alleged violations of law

401 which its investigations disclose to the appropriate licensing

402 agency and state attorney or other prosecuting agency having

403 jurisdiction, including, but not limited to, the statewide

404 prosecutor for crimes that impact two or more judicial circuits

405 in this state, with respect to any such violation, as provided

406 in s. 624.310. The state attorney or other prosecuting agency

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407 having jurisdiction with respect to such violation shall inform
 408 the division of any reasons why prosecution of such violation
 409 was:

- 410 1. Not begun within 60 days after the division's report; or
- 411 2. Declined.

412 (7) Division investigators shall have the power to make
 413 arrests for criminal violations established as a result of
 414 investigations. Such investigators shall also be considered
 415 state law enforcement officers for all purposes and shall have
 416 the power to execute arrest warrants and search warrants; to
 417 serve subpoenas issued for the examination, investigation, and
 418 trial of all offenses; and to arrest upon probable cause without
 419 warrant any person found in the act of violating any of the
 420 provisions of applicable laws. Investigators empowered to make
 421 arrests under this section shall be empowered to bear arms in
 422 the performance of their duties. In such a situation, the
 423 investigator must be certified in compliance with the provisions
 424 of s. 943.1395 or must meet the temporary employment or
 425 appointment exemption requirements of s. 943.131 until
 426 certified.

427 (8) It is unlawful for any person to resist an arrest
 428 authorized by this section or in any manner to interfere, either
 429 by abetting or assisting such resistance or otherwise
 430 interfering, with division investigators in the duties imposed
 431 upon them by law or department rule.

432 (9) In recognition of the complementary roles of
 433 investigating instances of workers' compensation fraud and
 434 enforcing compliance with the workers' compensation coverage
 435 requirements under chapter 440, the Department of Financial

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436 Services shall prepare and submit a joint performance report to
 437 the President of the Senate and the Speaker of the House of
 438 Representatives by January 1 of each year. The annual report
 439 must include, but need not be limited to:

440 (a) The total number of initial referrals received, cases
 441 opened, cases presented for prosecution, cases closed, and
 442 convictions resulting from cases presented for prosecution by
 443 the Bureau of Workers' Compensation Insurance Fraud by type of
 444 workers' compensation fraud and circuit.

445 (b) The number of referrals received from insurers and the
 446 Division of Workers' Compensation and the outcome of those
 447 referrals.

448 (c) The number of investigations undertaken by the Bureau
 449 of Workers' Compensation Insurance Fraud which were not the
 450 result of a referral from an insurer or the Division of Workers'
 451 Compensation.

452 (d) The number of investigations that resulted in a
 453 referral to a regulatory agency and the disposition of those
 454 referrals.

455 (e) The number and reasons provided by local prosecutors or
 456 the statewide prosecutor for declining prosecution of a case
 457 presented by the Bureau of Workers' Compensation Insurance Fraud
 458 by circuit.

459 (f) The total number of employees assigned to the Bureau of
 460 Workers' Compensation Insurance Fraud and the Division of
 461 Workers' Compensation Bureau of Compliance delineated by
 462 location of staff assigned; and the number and location of
 463 employees assigned to the Bureau of Workers' Compensation
 464 Insurance Fraud who were assigned to work other types of fraud

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465 cases.

466 (g) The average caseload and turnaround time by type of
467 case for each investigator and division compliance employee.

468 (h) The training provided during the year to workers'
469 compensation fraud investigators and the division's compliance
470 employees.

471 (10) The Bureau of Insurance Fraud of the Division of
472 Criminal Investigations ~~Investigative and Forensic Services~~
473 shall prepare and submit a performance report to the President
474 of the Senate and the Speaker of the House of Representatives by
475 September 1 of each year. The annual report must include, but
476 need not be limited to:

477 (a) The total number of initial referrals received, cases
478 opened, cases presented for prosecution, cases closed, and
479 convictions resulting from cases presented for prosecution by
480 the Bureau of Insurance Fraud, by type of insurance fraud and
481 circuit.

482 (b) The number of referrals received from insurers, the
483 office, and the Division of Consumer Services of the department,
484 and the outcome of those referrals.

485 (c) The number of investigations undertaken by the Bureau
486 of Insurance Fraud which were not the result of a referral from
487 an insurer and the outcome of those referrals.

488 (d) The number of investigations that resulted in a
489 referral to a regulatory agency and the disposition of those
490 referrals.

491 (e) The number of cases presented by the Bureau of
492 Insurance Fraud which local prosecutors or the statewide
493 prosecutor declined to prosecute and the reasons provided for

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494 declining prosecution.

495 (f) A summary of the annual report required under s.
496 626.9896.

497 (g) The total number of employees assigned to the Bureau of
498 Insurance Fraud, delineated by location of staff assigned, and
499 the number and location of employees assigned to the Bureau of
500 Insurance Fraud who were assigned to work other types of fraud
501 cases.

502 (h) The average caseload and turnaround time by type of
503 case for each investigator.

504 (i) The training provided during the year to insurance
505 fraud investigators.

506 Section 12. Paragraph (d) of subsection (2), paragraph (b)
507 of subsection (3), paragraphs (h) and (k) of subsection (5),
508 paragraph (c) of subsection (6), and subsection (9) of section
509 626.9891, Florida Statutes, are amended to read:

510 626.9891 Insurer anti-fraud investigative units; reporting
511 requirements; penalties for noncompliance.—

512 (2) Every insurer admitted to do business in this state
513 shall:

514 (d) Electronically file with the Division of Criminal
515 Investigations ~~Investigative and Forensic Services~~ of the
516 department, and annually thereafter, a detailed description of
517 the designated anti-fraud unit or division or a copy of the
518 contract executed under subparagraph (a)2., as applicable, a
519 copy of the anti-fraud plan, and the name of the employee
520 designated under paragraph (c).

521
522 An insurer must include the additional cost incurred in creating

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523 a distinct unit or division, hiring additional employees, or
 524 contracting with another entity to fulfill the requirements of
 525 this section, as an administrative expense for ratemaking
 526 purposes.

527 (3) Each anti-fraud plan must include:

528 (b) An acknowledgment that the insurer has established
 529 procedures for the mandatory reporting of possible fraudulent
 530 insurance acts to the Division of Criminal Investigations
 531 ~~Investigative and Forensic Services~~ of the department;

532 (5) Each insurer is required to report data related to
 533 fraud for each identified line of business written by the
 534 insurer during the prior calendar year. The data shall be
 535 reported to the department annually by March 1, and must
 536 include, at a minimum:

537 (h) The number of cases referred to the Division of
 538 Criminal Investigations ~~Investigative and Forensic Services~~;

539 (k) The estimated dollar amount or range of damages on
 540 cases referred to the Division of Criminal Investigations
 541 ~~Investigative and Forensic Services~~ or other agencies.

542 (6) In addition to providing information required under
 543 subsections (2), (4), and (5), each insurer writing workers'
 544 compensation insurance shall also report the following
 545 information to the department, annually, on or before March 1:

546 (c) The number of cases referred to the Division of
 547 Criminal Investigations ~~Investigative and Forensic Services~~,
 548 delineated by the type of fraud, including claimant, employer,
 549 provider, agent, or other type.

550 (9) ~~On or before December 31, 2018,~~ The Division of
 551 Criminal Investigations ~~Investigative and Forensic Services~~

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552 shall create a report detailing best practices for the
 553 detection, investigation, prevention, and reporting of insurance
 554 fraud and other fraudulent insurance acts. The report must be
 555 updated as necessary but at least every 2 years. The report must
 556 provide:

557 (a) Information on the best practices for the establishment
 558 of anti-fraud investigative units within insurers;

559 (b) Information on the best practices and methods for
 560 detecting and investigating insurance fraud and other fraudulent
 561 insurance acts;

562 (c) Information on appropriate anti-fraud education and
 563 training of insurer personnel;

564 (d) Information on the best practices for reporting
 565 insurance fraud and other fraudulent insurance acts to the
 566 Division of Criminal Investigations ~~Investigative and Forensic~~
 567 ~~Services~~ and to other law enforcement agencies;

568 (e) Information regarding the appropriate level of staffing
 569 and resources for anti-fraud investigative units within
 570 insurers;

571 (f) Information detailing statistics and data relating to
 572 insurance fraud which insurers should maintain; and

573 (g) Other information as determined by the Division of
 574 Criminal Investigations ~~Investigative and Forensic Services~~.

575 Section 13. Subsection (1) of section 626.9893, Florida
 576 Statutes, is amended to read:

577 626.9893 Disposition of revenues; criminal or forfeiture
 578 proceedings.-

579 (1) The Division of Criminal Investigations ~~Investigative~~
 580 ~~and Forensic Services~~ of the Department of Financial Services

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581 may deposit revenues received as a result of criminal
 582 proceedings or forfeiture proceedings, other than revenues
 583 deposited into the Department of Financial Services' Federal Law
 584 Enforcement Trust Fund under s. 17.43, into the Insurance
 585 Regulatory Trust Fund. Moneys deposited pursuant to this section
 586 shall be separately accounted for and shall be used solely for
 587 the division to carry out its duties and responsibilities.

588 Section 14. Subsection (2) of section 626.9894, Florida
 589 Statutes, is amended to read:

590 626.9894 Gifts and grants.—

591 (2) All rights to, interest in, and title to such donated
 592 or granted property shall immediately vest in the Division of
 593 Criminal Investigations ~~Investigative and Forensic Services~~ upon
 594 donation. The division may hold such property in co-ownership,
 595 sell its interest in the property, liquidate its interest in the
 596 property, or dispose of its interest in the property in any
 597 other reasonable manner.

598 Section 15. Section 626.9896, Florida Statutes, is amended
 599 to read:

600 626.9896 Dedicated insurance fraud prosecutors.—

601 (1) The department shall collect data from each state
 602 attorney office that receives an appropriation to fund attorneys
 603 and paralegals dedicated solely to the prosecution of insurance
 604 fraud cases and report on the use of such funds. The data must
 605 be submitted by the state attorneys to the Division of Criminal
 606 Investigations ~~Investigative and Forensic Services~~ on the last
 607 day of each calendar quarter beginning September 30, ~~2017, and~~
 608 ~~quarterly thereafter~~. Data must be submitted for each attorney
 609 funded by the appropriation and grouped by case type, including

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610 Division of Criminal Investigations ~~Investigative and Forensic~~
 611 ~~Services~~ insurance fraud cases, other insurance fraud cases, and
 612 cases not involving insurance fraud. For each type of case, the
 613 data must include the number of cases in which an information
 614 has been filed; the number of cases pending at pretrial or
 615 intake; the number of cases in which the attorney is assisting
 616 in the investigation; the number of cases closed or disposed of
 617 during the prior quarter; the disposition of the cases closed
 618 during the prior quarter; and the number of cases currently
 619 pending in a pretrial diversion program.

620 (2) The Division of Criminal Investigations ~~Investigative~~
 621 ~~and Forensic Services~~ must report the data collected pursuant to
 622 subsection (1) for the year ending June 30, to the Executive
 623 Office of the Governor, the Speaker of the House of
 624 Representatives, and the President of the Senate by September 1,
 625 2018, ~~and annually thereafter~~.

626 Section 16. Section 626.99278, Florida Statutes, is amended
 627 to read:

628 626.99278 Viatical provider anti-fraud plan.—Every licensed
 629 viatical settlement provider and registered life expectancy
 630 provider must adopt an anti-fraud plan and file it with the
 631 Division of Criminal Investigations ~~Investigative and Forensic~~
 632 ~~Services~~ of the department. Each anti-fraud plan shall include:

633 (1) A description of the procedures for detecting and
 634 investigating possible fraudulent acts and procedures for
 635 resolving material inconsistencies between medical records and
 636 insurance applications.

637 (2) A description of the procedures for the mandatory
 638 reporting of possible fraudulent insurance acts and prohibited

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639 practices set forth in s. 626.99275 to the Division of Criminal
640 Investigations ~~Investigative and Forensic Services~~ of the
641 department.

642 (3) A description of the plan for anti-fraud education and
643 training of its underwriters or other personnel.

644 (4) A written description or chart outlining the
645 organizational arrangement of the anti-fraud personnel who are
646 responsible for the investigation and reporting of possible
647 fraudulent insurance acts and for the investigation of
648 unresolved material inconsistencies between medical records and
649 insurance applications.

650 (5) For viatical settlement providers, a description of the
651 procedures used to perform initial and continuing review of the
652 accuracy of life expectancies used in connection with a viatical
653 settlement contract or viatical settlement investment.

654 Section 17. Paragraph (k) of subsection (6) of section
655 627.351, Florida Statutes, is amended to read:

656 627.351 Insurance risk apportionment plans.—

657 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

658 (k)1. The corporation shall establish and maintain a unit
659 or division to investigate possible fraudulent claims by
660 insureds or by persons making claims for services or repairs
661 against policies held by insureds; or it may contract with
662 others to investigate possible fraudulent claims for services or
663 repairs against policies held by the corporation pursuant to s.
664 626.9891. The corporation must comply with reporting
665 requirements of s. 626.9891. An employee of the corporation
666 shall notify the corporation's Office of the Inspector General
667 and the Division of Criminal Investigations ~~Investigative and~~

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668 ~~Forensic Services~~ within 48 hours after having information that
669 would lead a reasonable person to suspect that fraud may have
670 been committed by any employee of the corporation.

671 2. The corporation shall establish a unit or division
672 responsible for receiving and responding to consumer complaints,
673 which unit or division is the sole responsibility of a senior
674 manager of the corporation.

675 Section 18. Subsection (7) of section 627.711, Florida
676 Statutes, is amended to read:

677 627.711 Notice of premium discounts for hurricane loss
678 mitigation; uniform mitigation verification inspection form.—

679 (7) An insurer, person, or other entity that obtains
680 evidence of fraud or evidence that an authorized mitigation
681 inspector or an employee authorized to conduct mitigation
682 verification inspections under subsection (3) has made false
683 statements in the completion of a mitigation inspection form
684 shall file a report with the Division of Criminal Investigations
685 ~~Investigative and Forensic Services~~, along with all of the
686 evidence in its possession that supports the allegation of fraud
687 or falsity. An insurer, person, or other entity making the
688 report shall be immune from liability, in accordance with s.
689 626.989(4), for any statements made in the report, during the
690 investigation, or in connection with the report. The Division of
691 Criminal Investigations ~~Investigative and Forensic Services~~
692 shall issue an investigative report if it finds that probable
693 cause exists to believe that the authorized mitigation
694 inspector, or an employee authorized to conduct mitigation
695 verification inspections under subsection (3), made
696 intentionally false or fraudulent statements in the inspection

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697 form. Upon conclusion of the investigation and a finding of
 698 probable cause that a violation has occurred, the Division of
 699 Criminal Investigations ~~Investigative and Forensic Services~~
 700 shall send a copy of the investigative report to the office and
 701 a copy to the agency responsible for the professional licensure
 702 of the authorized mitigation inspector, whether or not a
 703 prosecutor takes action based upon the report.

704 Section 19. Paragraph (i) of subsection (4) and subsection
 705 (14) of section 627.736, Florida Statutes, are amended to read:

706 627.736 Required personal injury protection benefits;
 707 exclusions; priority; claims.-

708 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer under
 709 ss. 627.730-627.7405 are primary, except that benefits received
 710 under any workers' compensation law must be credited against the
 711 benefits provided by subsection (1) and are due and payable as
 712 loss accrues upon receipt of reasonable proof of such loss and
 713 the amount of expenses and loss incurred which are covered by
 714 the policy issued under ss. 627.730-627.7405. If the Agency for
 715 Health Care Administration provides, pays, or becomes liable for
 716 medical assistance under the Medicaid program related to injury,
 717 sickness, disease, or death arising out of the ownership,
 718 maintenance, or use of a motor vehicle, the benefits under ss.
 719 627.730-627.7405 are subject to the Medicaid program. However,
 720 within 30 days after receiving notice that the Medicaid program
 721 paid such benefits, the insurer shall repay the full amount of
 722 the benefits to the Medicaid program.

723 (i) If an insurer has a reasonable belief that a fraudulent
 724 insurance act, for the purposes of s. 626.989 or s. 817.234, has
 725 been committed, the insurer shall notify the claimant, in

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726 writing, within 30 days after submission of the claim that the
 727 claim is being investigated for suspected fraud. Beginning at
 728 the end of the initial 30-day period, the insurer has an
 729 additional 60 days to conduct its fraud investigation.
 730 Notwithstanding subsection (10), no later than 90 days after the
 731 submission of the claim, the insurer must deny the claim or pay
 732 the claim with simple interest as provided in paragraph (d).
 733 Interest shall be assessed from the day the claim was submitted
 734 until the day the claim is paid. All claims denied for suspected
 735 fraudulent insurance acts shall be reported to the Division of
 736 Criminal Investigations ~~Investigative and Forensic Services~~.

737 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a
 738 claim under this section, an insurer shall provide a notice to
 739 the insured or to a person for whom a claim for reimbursement
 740 for diagnosis or treatment of injuries has been filed, advising
 741 that:

742 (a) Pursuant to s. 626.9892, the Department of Financial
 743 Services may pay rewards of up to \$25,000 to persons providing
 744 information leading to the arrest and conviction of persons
 745 committing crimes investigated by the Division of Criminal
 746 Investigations ~~Investigative and Forensic Services~~ arising from
 747 violations of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or
 748 s. 817.234.

749 (b) Solicitation of a person injured in a motor vehicle
 750 crash for purposes of filing personal injury protection or tort
 751 claims could be a violation of s. 817.234, s. 817.505, or the
 752 rules regulating The Florida Bar and should be immediately
 753 reported to the Division of Criminal Investigations
 754 ~~Investigative and Forensic Services~~ if such conduct has taken

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755 place.

756 Section 20. Paragraphs (b) and (c) of subsection (1) of
757 section 627.7401, Florida Statutes, are amended to read:

758 627.7401 Notification of insured's rights.—

759 (1) The commission, by rule, shall adopt a form for the
760 notification of insureds of their right to receive personal
761 injury protection benefits under the Florida Motor Vehicle No-
762 Fault Law. Such notice shall include:

763 (b) An advisory informing insureds that:

764 1. Pursuant to s. 626.9892, the Department of Financial
765 Services may pay rewards of up to \$25,000 to persons providing
766 information leading to the arrest and conviction of persons
767 committing crimes investigated by the Division of Criminal
768 Investigations ~~Investigative and Forensic Services~~ arising from
769 violations of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or
770 s. 817.234.

771 2. Pursuant to s. 627.736(5)(e)1., if the insured notifies
772 the insurer of a billing error, the insured may be entitled to a
773 certain percentage of a reduction in the amount paid by the
774 insured's motor vehicle insurer.

775 (c) A notice that solicitation of a person injured in a
776 motor vehicle crash for purposes of filing personal injury
777 protection or tort claims could be a violation of s. 817.234, s.
778 817.505, or the rules regulating The Florida Bar and should be
779 immediately reported to the Division of Criminal Investigations
780 ~~Investigative and Forensic Services~~ if such conduct has taken
781 place.

782 Section 21. Subsection (2) of section 631.156, Florida
783 Statutes, is amended to read:

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784 631.156 Investigation by the department; scope of
785 authority; sharing of materials.—

786 (2) The department may provide documents, books, and
787 records; other investigative products, work product, and
788 analysis; and copies of any or all of such materials to the
789 Division of Criminal Investigations ~~Investigative and Forensic~~
790 ~~Services~~ or any other appropriate government agency. The sharing
791 of these materials does not waive any work product or other
792 privilege otherwise applicable under law.

793 Section 22. Subsection (1) of section 633.114, Florida
794 Statutes, is amended to read:

795 633.114 State Fire Marshal agents; authority; duties;
796 compensation.—

797 (1) The State Fire Marshal shall appoint such agents,
798 including agents of the Division of Criminal Investigations
799 ~~Investigative and Forensic Services~~, as may be necessary to
800 carry out effectively this chapter, who shall be reimbursed for
801 travel expenses as provided in s. 112.061, in addition to their
802 salary, when traveling or making investigations in the
803 performance of their duties. Such agents, including agents of
804 the Division of Criminal Investigations ~~Investigative and~~
805 ~~Forensic Services~~, shall be at all times under the direction and
806 control of the State Fire Marshal, who shall fix their
807 compensation, and all orders shall be issued in the State Fire
808 Marshal's name and by her or his authority.

809 Section 23. Paragraph (b) of subsection (1) and subsection
810 (10) of section 633.126, Florida Statutes, are amended to read:
811 633.126 Investigation of fraudulent insurance claims and
812 crimes; immunity of insurance companies supplying information.—

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813 (1)

814 (b) The State Fire Marshal or an agent appointed pursuant

815 to s. 633.114, an agent of the Division of Criminal

816 Investigations ~~Investigative and Forensic Services~~, any law

817 enforcement officer as defined in s. 111.065, any law

818 enforcement officer of a federal agency, or any fire service

819 provider official who is engaged in the investigation of a fire

820 or explosion loss may request any insurance company or its

821 agent, adjuster, employee, or attorney, investigating a claim

822 under an insurance policy or contract with respect to a fire or

823 explosion to release any information whatsoever in the

824 possession of the insurance company or its agent, adjuster,

825 employee, or attorney relative to a loss from that fire or

826 explosion. The insurance company shall release the available

827 information to and cooperate with any official authorized to

828 request such information pursuant to this section. The

829 information shall include, but shall not be limited to:

830 1. Any insurance policy relevant to a loss under

831 investigation and any application for such a policy.

832 2. Any policy premium payment records.

833 3. The records, reports, and all material pertaining to any

834 previous claims made by the insured with the reporting company.

835 4. Material relating to the investigation of the loss,

836 including statements of a person, proof of loss, and other

837 relevant evidence.

838 5. Memoranda, notes, and correspondence relating to the

839 investigation of the loss in the possession of the insurance

840 company or its agents, adjusters, employees, or attorneys.

841 (10) The Division of Criminal Investigations ~~Investigative~~

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842 ~~and Forensic Services~~ may adopt reasonable rules as are

843 necessary to administer this section. Such rules must meet all

844 of the following requirements:

845 (a) They may not enlarge upon or extend the provisions of

846 this section.

847 (b) They must identify specific factors that determine the

848 grades of penalty.

849 (c) They must specify mitigating and aggravating factors

850 for a violation of this section.

851 Section 24. Subsection (4) of section 641.30, Florida

852 Statutes, is amended to read:

853 641.30 Construction and relationship to other laws.—

854 (4) The Division of Criminal Investigations ~~Investigative~~

855 ~~and Forensic Services~~ of the department is vested with all

856 powers granted to it under the Florida Insurance Code with

857 respect to the investigation of any violation of this part.

858 Section 25. Subsection (3) of section 791.013, Florida

859 Statutes, is amended to read:

860 791.013 Testing and approval of sparklers; penalties.—

861 (3) For purposes of the testing requirement by this

862 section, the division shall perform such tests as are necessary

863 to determine compliance with the performance standards in the

864 definition of sparklers, pursuant to s. 791.01. The State Fire

865 Marshal shall adopt, by rule, procedures for testing products to

866 determine compliance with this chapter. The Division of Criminal

867 Investigations ~~Investigative and Forensic Services~~ shall dispose

868 of any samples which remain after testing.

869 Section 26. Paragraph (b) of subsection (5) of section

870 817.234, Florida Statutes, is amended to read:

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871 817.234 False and fraudulent insurance claims.-
 872 (5)
 873 (b) If an insurer damaged as a result of a violation of any
 874 provision of this section has reported the possible fraudulent
 875 insurance act to the Division of Criminal Investigations
 876 ~~Investigative and Forensic Services~~ pursuant to s. 626.9891 and
 877 if there has been a criminal adjudication of guilt, the insurer
 878 is entitled to recover reasonable investigation and litigation
 879 expenses, including attorney fees, at the trial and appellate
 880 courts.
 881 Section 27. Section 843.08, Florida Statutes, is amended to
 882 read:
 883 843.08 False personation.—A person who falsely assumes or
 884 pretends to be a firefighter, a sheriff, an officer of the
 885 Florida Highway Patrol, an officer of the Fish and Wildlife
 886 Conservation Commission, an officer of the Department of
 887 Environmental Protection, an officer of the Department of
 888 Financial Services, any personnel or representative of the
 889 Division of Criminal Investigations ~~Investigative and Forensic~~
 890 ~~Services~~, an officer of the Department of Corrections, a
 891 correctional probation officer, a deputy sheriff, a state
 892 attorney or an assistant state attorney, a statewide prosecutor
 893 or an assistant statewide prosecutor, a state attorney
 894 investigator, a coroner, a police officer, a lottery special
 895 agent or lottery investigator, a beverage enforcement agent, a
 896 school guardian as described in s. 30.15(1)(k), a security
 897 officer licensed under chapter 493, any member of the Florida
 898 Commission on Offender Review or any administrative aide or
 899 supervisor employed by the commission, any personnel or

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900 representative of the Department of Law Enforcement, or a
 901 federal law enforcement officer as defined in s. 901.1505, and
 902 takes upon himself or herself to act as such, or to require any
 903 other person to aid or assist him or her in a matter pertaining
 904 to the duty of any such officer, commits a felony of the third
 905 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 906 775.084. However, a person who falsely personates any such
 907 officer during the course of the commission of a felony commits
 908 a felony of the second degree, punishable as provided in s.
 909 775.082, s. 775.083, or s. 775.084. If the commission of the
 910 felony results in the death or personal injury of another human
 911 being, the person commits a felony of the first degree,
 912 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 913 In determining whether a defendant has violated this section,
 914 the court or jury may consider any relevant evidence, including,
 915 but not limited to, whether the defendant used lights in
 916 violation of s. 316.2397 or s. 843.081.
 917 Section 28. Paragraphs (l) and (m) of subsection (6) of
 918 section 932.7055, Florida Statutes, are amended to read:
 919 932.7055 Disposition of liens and forfeited property.—
 920 (6) If the seizing agency is a state agency, all remaining
 921 proceeds shall be deposited into the General Revenue Fund.
 922 However, if the seizing agency is:
 923 (1) The Division of Criminal Investigations ~~Investigative~~
 924 ~~and Forensic Services~~ in the Department of Financial Services,
 925 the proceeds accrued under the Florida Contraband Forfeiture Act
 926 shall be deposited into the Insurance Regulatory Trust Fund to
 927 be used for the purposes of arson suppression, arson
 928 investigation, and the funding of anti-arson rewards.

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929 (m) The Division of Criminal Investigations ~~Investigative~~
930 ~~and Forensic Services~~ of the Department of Financial Services,
931 the proceeds accrued pursuant to the Florida Contraband
932 Forfeiture Act shall be deposited into the Insurance Regulatory
933 Trust Fund as provided in s. 626.9893 or into the Department of
934 Financial Services' Federal Law Enforcement Trust Fund as
935 provided in s. 17.43, as applicable.

936 Reviser's note.—Amended pursuant to the directive of the
937 Legislature in s. 63, ch. 2024-140, Laws of Florida, to the
938 Division of Law Revision to prepare a reviser's bill for
939 the 2025 Regular Session of the Legislature to change the
940 term "Division of Investigative and Forensic Services" to
941 "Division of Criminal Investigations" wherever it appears
942 in the Florida Statutes.

943 Section 29. This act shall take effect on the 60th day
944 after adjournment sine die of the session of the Legislature in
945 which enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 40

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLR)</u>	<u>Yeatman</u>	<u>RC</u>	<u>Pre-meeting</u>

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

SB 40 deletes statute provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2024, by the 2023 Regular Session of the Legislature).

This bill substantially amends the following sections of the Florida Statutes: ss. 161.101, 212.20, 213.053, 220.02, 220.13, 288.0655, 320.06, 331.3101, 377.703, 402.57, 443.131, 570.441, 571.26, 571.265, and 717.123, F.S., and repeals ss. 161.551, 220.193, 259.10521, 381.933, 570.83, and 1002.334, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

III. Effect of Proposed Changes:

This bill removes provisions that have already been repealed by the Legislature by substantive legislation that the Division of Law Revision could not remove from the statutes without the required inclusion in a reviser's bill.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 161.101, 212.20, 213.053, 220.02, 220.13, 288.0655, 320.06, 331.3101, 377.703, 402.57, 443.131, 570.441, 571.26, 571.265, and 717.123, F.S., and repeals ss. 161.551, 220.193, 259.10521, 381.933, 570.83, and 1002.334, F.S.

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 Passidomo

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 161.101(22), 161.551, 220.193, 259.10521, 288.0655(7),
 4 331.3101(5)(d), 381.933, 570.441(4), 570.83,
 5 717.123(3), and 1002.334, F.S., and amending ss.
 6 212.20, 320.06, 402.57, and 443.131, F.S., to delete
 7 provisions which have become inoperative by noncurrent
 8 repeal or expiration and, pursuant to s. 11.242(5)(b)
 9 and (i), F.S., may be omitted from the 2024 Florida
 10 Statutes only through a reviser's bill duly enacted by
 11 the Legislature; amending ss. 213.053, 220.02, 220.13,
 12 377.703, 571.26, and 571.265, F.S., to conform to the
 13 changes by this act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (22) of section 161.101, Florida
 18 Statutes, is repealed.

19 Reviser's note.—The cited subsection, which relates to waiver or
 20 reduction of match requirements for beaches in specified
 21 counties impacted by Hurricane Ian or Hurricane Nicole, for
 22 the 2023-2024 fiscal year, expired pursuant to its own
 23 terms, effective July 1, 2024.

24 Section 2. Section 161.551, Florida Statutes, is repealed.

25 Reviser's note.—The cited section, which relates to public
 26 financing of construction projects within the coastal
 27 building zone, was repealed pursuant to its own terms,
 28 effective July 1, 2024.

29 Section 3. Paragraph (d) of subsection (6) of section

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30 212.20, Florida Statutes, is amended to read:

31 212.20 Funds collected, disposition; additional powers of
 32 department; operational expense; refund of taxes adjudicated
 33 unconstitutionally collected.—

34 (6) Distribution of all proceeds under this chapter and ss.
 35 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

36 (d) The proceeds of all other taxes and fees imposed
 37 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 38 and (2)(b) shall be distributed as follows:

39 1. In any fiscal year, the greater of \$500 million, minus
 40 an amount equal to 4.6 percent of the proceeds of the taxes
 41 collected pursuant to chapter 201, or 5.2 percent of all other
 42 taxes and fees imposed pursuant to this chapter or remitted
 43 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 44 monthly installments into the General Revenue Fund.

45 2. After the distribution under subparagraph 1., 8.9744
 46 percent of the amount remitted by a sales tax dealer located
 47 within a participating county pursuant to s. 218.61 shall be
 48 transferred into the Local Government Half-cent Sales Tax
 49 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
 50 transferred shall be reduced by 0.1 percent, and the department
 51 shall distribute this amount to the Public Employees Relations
 52 Commission Trust Fund less \$5,000 each month, which shall be
 53 added to the amount calculated in subparagraph 3. and
 54 distributed accordingly.

55 3. After the distribution under subparagraphs 1. and 2.,
 56 0.0966 percent shall be transferred to the Local Government
 57 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 58 to s. 218.65.

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59 4. After the distributions under subparagraphs 1., 2., and
60 3., 2.0810 percent of the available proceeds shall be
61 transferred monthly to the Revenue Sharing Trust Fund for
62 Counties pursuant to s. 218.215.

63 5. After the distributions under subparagraphs 1., 2., and
64 3., 1.3653 percent of the available proceeds shall be
65 transferred monthly to the Revenue Sharing Trust Fund for
66 Municipalities pursuant to s. 218.215. If the total revenue to
67 be distributed pursuant to this subparagraph is at least as
68 great as the amount due from the Revenue Sharing Trust Fund for
69 Municipalities and the former Municipal Financial Assistance
70 Trust Fund in state fiscal year 1999-2000, no municipality shall
71 receive less than the amount due from the Revenue Sharing Trust
72 Fund for Municipalities and the former Municipal Financial
73 Assistance Trust Fund in state fiscal year 1999-2000. If the
74 total proceeds to be distributed are less than the amount
75 received in combination from the Revenue Sharing Trust Fund for
76 Municipalities and the former Municipal Financial Assistance
77 Trust Fund in state fiscal year 1999-2000, each municipality
78 shall receive an amount proportionate to the amount it was due
79 in state fiscal year 1999-2000.

80 6. Of the remaining proceeds:

81 a. In each fiscal year, the sum of \$29,915,500 shall be
82 divided into as many equal parts as there are counties in the
83 state, and one part shall be distributed to each county. The
84 distribution among the several counties must begin each fiscal
85 year on or before January 5th and continue monthly for a total
86 of 4 months. If a local or special law required that any moneys
87 accruing to a county in fiscal year 1999-2000 under the then-

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88 existing provisions of s. 550.135 be paid directly to the
89 district school board, special district, or a municipal
90 government, such payment must continue until the local or
91 special law is amended or repealed. The state covenants with
92 holders of bonds or other instruments of indebtedness issued by
93 local governments, special districts, or district school boards
94 before July 1, 2000, that it is not the intent of this
95 subparagraph to adversely affect the rights of those holders or
96 relieve local governments, special districts, or district school
97 boards of the duty to meet their obligations as a result of
98 previous pledges or assignments or trusts entered into which
99 obligated funds received from the distribution to county
100 governments under then-existing s. 550.135. This distribution
101 specifically is in lieu of funds distributed under s. 550.135
102 before July 1, 2000.

103 b. The department shall distribute \$166,667 monthly to each
104 applicant certified as a facility for a new or retained
105 professional sports franchise pursuant to s. 288.1162. Up to
106 \$41,667 shall be distributed monthly by the department to each
107 certified applicant as defined in s. 288.11621 for a facility
108 for a spring training franchise. However, not more than \$416,670
109 may be distributed monthly in the aggregate to all certified
110 applicants for facilities for spring training franchises.
111 Distributions begin 60 days after such certification and
112 continue for not more than 30 years, except as otherwise
113 provided in s. 288.11621. A certified applicant identified in
114 this sub-subparagraph may not receive more in distributions than
115 expended by the applicant for the public purposes provided in s.
116 288.1162(5) or s. 288.11621(3).

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117 c. The department shall distribute up to \$83,333 monthly to
 118 each certified applicant as defined in s. 288.11631 for a
 119 facility used by a single spring training franchise, or up to
 120 \$166,667 monthly to each certified applicant as defined in s.
 121 288.11631 for a facility used by more than one spring training
 122 franchise. Monthly distributions begin 60 days after such
 123 certification or July 1, 2016, whichever is later, and continue
 124 for not more than 20 years to each certified applicant as
 125 defined in s. 288.11631 for a facility used by a single spring
 126 training franchise or not more than 25 years to each certified
 127 applicant as defined in s. 288.11631 for a facility used by more
 128 than one spring training franchise. A certified applicant
 129 identified in this sub-subparagraph may not receive more in
 130 distributions than expended by the applicant for the public
 131 purposes provided in s. 288.11631(3).

132 d. The department shall distribute \$15,333 monthly to the
 133 State Transportation Trust Fund.

134 e. ~~(I) On or before July 25, 2021, August 25, 2021, and~~
 135 ~~September 25, 2021, the department shall distribute \$324,533,334~~
 136 ~~in each of those months to the Unemployment Compensation Trust~~
 137 ~~Fund, less an adjustment for refunds issued from the General~~
 138 ~~Revenue Fund pursuant to s. 443.131(3)(c)3. before making the~~
 139 ~~distribution. The adjustments made by the department to the~~
 140 ~~total distributions shall be equal to the total refunds made~~
 141 ~~pursuant to s. 443.131(3)(c)3. If the amount of refunds to be~~
 142 ~~subtracted from any single distribution exceeds the~~
 143 ~~distribution, the department may not make that distribution and~~
 144 ~~must subtract the remaining balance from the next distribution.~~

145 ~~(II) Beginning July 2022, and on or before the 25th day of~~

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146 ~~each month, the department shall distribute \$90 million monthly~~
 147 ~~to the Unemployment Compensation Trust Fund.~~

148 ~~(III) If the ending balance of the Unemployment~~
 149 ~~Compensation Trust Fund exceeds \$4,071,519,600 on the last day~~
 150 ~~of any month, as determined from United States Department of the~~
 151 ~~Treasury data, the Office of Economic and Demographic Research~~
 152 ~~shall certify to the department that the ending balance of the~~
 153 ~~trust fund exceeds such amount.~~

154 ~~(IV) This sub-subparagraph is repealed, and the department~~
 155 ~~shall end monthly distributions under sub-sub-subparagraph (II),~~
 156 ~~on the date the department receives certification under sub-sub-~~
 157 ~~subparagraph (III).~~

158 e.f. Beginning July 1, 2023, in each fiscal year, the
 159 department shall distribute \$27.5 million to the Florida
 160 Agricultural Promotional Campaign Trust Fund under s. 571.26,
 161 for further distribution in accordance with s. 571.265.

162 7. All other proceeds must remain in the General Revenue
 163 Fund.

164 Reviser's note.—Amended to delete sub-subparagraph (6)(d)6.e.
 165 pursuant to certification by the Office of Economic and
 166 Demographic Research to the Department of Revenue on April
 167 2, 2024, that the ending balance in the Unemployment
 168 Compensation Trust Fund exceeded the amount specified in
 169 sub-sub-subparagraph (III), thus triggering the repeal of
 170 sub-sub-subparagraph e. pursuant to sub-sub-subparagraph (IV).
 171 Section 4. Section 220.193, Florida Statutes, is repealed.

172 Reviser's note.—The cited section, which relates to the Florida
 173 renewable energy production tax credit, was limited to a
 174 period ending June 30, 2016.

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175 Section 5. Section 259.10521, Florida Statutes, is
 176 repealed.
 177 Reviser's note.—The cited section, which relates to a citizen
 178 support organization for the benefit of the Babcock Ranch
 179 Preserve, was repealed pursuant to its own terms, effective
 180 October 1, 2024.
 181 Section 6. Subsection (7) of section 288.0655, Florida
 182 Statutes, is repealed.
 183 Reviser's note.—The cited subsection, which relates to award
 184 grants from the Rural Infrastructure Fund for the 2023-2024
 185 fiscal year for specified counties impacted by Hurricane
 186 Idalia, expired pursuant to its own terms, effective July
 187 1, 2024.
 188 Section 7. Paragraph (b) of subsection (1) of section
 189 320.06, Florida Statutes, is amended to read:
 190 320.06 Registration certificates, license plates, and
 191 validation stickers generally.—
 192 (1)
 193 (b)1. Registration license plates bearing a graphic symbol
 194 and the alphanumeric system of identification shall be issued
 195 for a 10-year period. At the end of the 10-year period, upon
 196 renewal, the plate shall be replaced. The department shall
 197 extend the scheduled license plate replacement date from a 6-
 198 year period to a 10-year period. The fee for such replacement is
 199 \$28, \$2.80 of which shall be paid each year before the plate is
 200 replaced, to be credited toward the next \$28 replacement fee.
 201 The fees shall be deposited into the Highway Safety Operating
 202 Trust Fund. A credit or refund may not be given for any prior
 203 years' payments of the prorated replacement fee if the plate is

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204 replaced or surrendered before the end of the 10-year period,
 205 except that a credit may be given if a registrant is required by
 206 the department to replace a license plate under s.
 207 320.08056(8)(a). With each license plate, a validation sticker
 208 shall be issued showing the owner's birth month, license plate
 209 number, and the year of expiration or the appropriate renewal
 210 period if the owner is not a natural person. The validation
 211 sticker shall be placed on the upper right corner of the license
 212 plate. The license plate and validation sticker shall be issued
 213 based on the applicant's appropriate renewal period. The
 214 registration period is 12 months, the extended registration
 215 period is 24 months, and all expirations occur based on the
 216 applicant's appropriate registration period. Rental vehicles
 217 taxed pursuant to s. 320.08(6)(a) and rental trucks taxed
 218 pursuant to s. 320.08(3)(a)-(c) and (4)(a)-(d) may elect a
 219 permanent registration period, provided payment of the
 220 appropriate license taxes and fees occurs annually.
 221 ~~2. A vehicle that has an apportioned registration shall be~~
 222 ~~issued an annual license plate and a cab card that denote the~~
 223 ~~declared gross vehicle weight for each apportioned jurisdiction~~
 224 ~~in which the vehicle is authorized to operate. This subparagraph~~
 225 ~~expires June 30, 2024.~~
 226 2.3. Beginning July 1, 2024, a vehicle registered in
 227 accordance with the International Registration Plan must be
 228 issued a license plate for a 3-year period. At the end of the 3-
 229 year period, upon renewal, the license plate must be replaced.
 230 Each license plate must include a validation sticker showing the
 231 month of expiration. A cab card denoting the declared gross
 232 vehicle weight for each apportioned jurisdiction must be issued

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233 annually. The fee for an original or a renewal cab card is \$28,
 234 which must be deposited into the Highway Safety Operating Trust
 235 Fund. If the license plate is damaged or worn, it may be
 236 replaced at no charge by applying to the department and
 237 surrendering the current license plate.

238 3.4- In order to retain the efficient administration of the
 239 taxes and fees imposed by this chapter, the 80-cent fee increase
 240 in the replacement fee imposed by chapter 2009-71, Laws of
 241 Florida, is negated as provided in s. 320.0804.

242 Reviser's note.—Amended to conform to the expiration of
 243 subparagraph (1)(b)2. pursuant to its own terms, effective
 244 June 30, 2024.

245 Section 8. Paragraph (d) of subsection (5) of section
 246 331.3101, Florida Statutes, is repealed.

247 Reviser's note.—The cited paragraph, which relates to
 248 information relating to corrective action by Space Florida
 249 to address findings in Auditor General Report No. 2022-049,
 250 expired pursuant to its own terms, effective July 1, 2024.

251 Section 9. Section 381.933, Florida Statutes, is repealed.

252 Reviser's note.—The cited section, which relates to mammography
 253 reports, was repealed pursuant to its own terms, effective
 254 September 10, 2024.

255 Section 10. Section 402.57, Florida Statutes, is amended to
 256 read:

257 402.57 Direct-support organization organizations.—

258 ~~(1)~~ DEPARTMENT OF CHILDREN AND FAMILIES.—The Department of
 259 Children and Families is authorized to create a direct-support
 260 organization, the sole purpose of which is to support the
 261 department in carrying out its purposes and responsibilities.

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262 (1)(a) The direct-support organization must be:

263 (a)1- A not-for-profit corporation incorporated under
 264 chapter 617 and approved by the Department of State as a not-
 265 for-profit corporation;

266 (b)2- Organized and operated to conduct programs and
 267 activities; to raise funds; to request and receive grants,
 268 gifts, and bequests of moneys; to acquire, receive, hold,
 269 invest, and administer, in its own name, securities, funds,
 270 objects of value, or other property, real or personal; and to
 271 make expenditures to or for the direct or indirect benefit of
 272 the department and the individuals it serves; and

273 (c)3- Determined by the department to be operating in a
 274 manner consistent with the goals and purposes of the department,
 275 the best interest of the state, and the needs of children and
 276 adults served by the department.

277 (2)(b) The direct-support organization shall operate under
 278 a written contract with the department. The contract must
 279 provide for all of the following:

280 (a)1- Department approval of the articles of incorporation
 281 and bylaws of the direct-support organization.

282 (b)2- Submission of an annual budget for department
 283 approval.

284 (c)3- Certification by the department that the direct-
 285 support organization is complying with the terms of the contract
 286 and operating in a manner consistent with the goals and purposes
 287 of the department and in the best interest of the state. Such
 288 certification must be made annually and reported in the official
 289 minutes of a meeting of the direct-support organization.

290 (d)4- The reversion to the state of moneys and property

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291 held in trust by the direct-support organization for the benefit
292 of those served by the department if the department ceases to
293 exist or the reversion to the department if the direct-support
294 organization is no longer approved to operate for the
295 department, a county commission, or a circuit board or ceases to
296 exist.

297 (e)~~5~~- The fiscal year of the direct-support organization,
298 which must begin July 1 of each year and end June 30 of the
299 following year.

300 (f)~~6~~- The disclosure of material provisions of the
301 contract, and the distinction between the department and the
302 direct-support organization, to donors of gifts, contributions,
303 or bequests, including such disclosure on all promotional and
304 fundraising publications.

305 (3)~~(e)~~- The Secretary of Children and Families shall appoint
306 the board of directors of the direct-support organization. The
307 board members shall be appointed according to the organization's
308 bylaws.

309 (4)~~(d)~~- The department may allow, without charge,
310 appropriate use of fixed property, facilities, and personnel
311 services of the department by the direct-support organization,
312 subject to the requirements of this section. As used in this
313 section subsection, the term "personnel services" includes full-
314 time or part-time personnel, as well as payroll processing
315 services.

316 (a)~~1~~- The department may not allow a direct-support
317 organization to use any fixed property, facilities, or personnel
318 services of the department if the direct-support organization
319 does not provide equal membership and employment opportunities

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320 to all persons regardless of race, color, religion, sex, age, or
321 national origin.

322 (b)~~2~~- The department may prescribe any conditions with
323 which a direct-support organization must comply to use fixed
324 property, facilities, or personnel services of the department
325 and shall adopt rules prescribing those conditions and the
326 procedures by which the direct-support organization is governed.

327 (5)~~(e)~~- The direct-support organization may collect, expend,
328 and provide funds for:

329 (a)~~1~~- Addressing gaps in services for the children and
330 adults served by the department.

331 (b)~~2~~- Development, implementation, and operation of
332 targeted prevention efforts.

333 (c)~~3~~- Services and activities that support the goals of the
334 department.

335 (d)~~4~~- Functions of the direct-support organization's board
336 of directors, as necessary and approved by the department.

337
338 The funds of the direct-support organization may not be used for
339 the purpose of lobbying as defined in s. 11.045.

340 (6)~~(f)~~- Any moneys may be held in a separate depository
341 account in the name of the direct-support organization and
342 subject to the provisions of the contract with the department.

343 (7)~~(g)~~- The direct-support organization shall provide for an
344 annual financial audit in accordance with s. 215.981.

345 (8)~~(h)~~- This section subsection is repealed October 1, 2028,
346 unless reviewed and saved from repeal by the Legislature.

347 ~~(2) CHILDREN AND YOUTH CABINET. The Department of Children
348 and Families shall establish a direct-support organization to~~

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349 ~~assist the Children and Youth Cabinet established in s. 402.56~~
 350 ~~in carrying out its purposes and responsibilities, primarily~~
 351 ~~regarding fostering public awareness of children and youth~~
 352 ~~issues and developing new partners in the effort to serve~~
 353 ~~children and youth by raising money; submitting requests for and~~
 354 ~~receiving grants from the Federal Government, the state or its~~
 355 ~~political subdivisions, private foundations, and individuals;~~
 356 ~~and making expenditures to or for the benefit of the cabinet.~~
 357 ~~The sole purpose for the direct support organization is to~~
 358 ~~support the cabinet.~~

359 ~~(a) The direct support organization must be:~~

360 ~~1. Incorporated under chapter 617 and approved by the~~
 361 ~~Department of State as a Florida corporation not for profit.~~

362 ~~2. Organized and operated to make expenditures to or for~~
 363 ~~the benefit of the cabinet.~~

364 ~~3. Approved by the department to be operating for the~~
 365 ~~benefit of and in a manner consistent with the goals of the~~
 366 ~~cabinet and in the best interest of the state.~~

367 ~~(b) The board of directors of the direct support~~
 368 ~~organization shall consist of seven members appointed by the~~
 369 ~~Governor. Each member of the board of directors shall be~~
 370 ~~appointed to a 4-year term. However, for the purpose of~~
 371 ~~providing staggered terms, the initial appointments shall be for~~
 372 ~~either 2 years or 4 years, as determined by the Governor.~~

373 ~~(c) The direct support organization shall operate under a~~
 374 ~~written contract with the department.~~

375 ~~(d) All moneys received by the direct support organization~~
 376 ~~must be deposited into an account of the direct support~~
 377 ~~organization and shall be used in a manner consistent with the~~

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378 ~~goals of the cabinet.~~

379 ~~(e) This subsection is repealed October 1, 2024, unless~~
 380 ~~reviewed and saved from repeal by the Legislature.~~

381 ~~Reviser's note.—Amended to conform to the repeal of subsection~~

382 ~~(2) pursuant to its own terms, effective October 1, 2024.~~

383 ~~Section 11. Paragraph (e) of subsection (3) of section~~
 384 ~~443.131, Florida Statutes, is amended to read:~~

385 ~~443.131 Contributions.—~~

386 ~~(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT~~
 387 ~~EXPERIENCE.—~~

388 ~~(e) Assignment of variations from the standard rate.—~~

389 ~~1. As used in this paragraph, the terms "total benefit~~
 390 ~~payments," "benefits paid to an individual," and "benefits~~
 391 ~~charged to the employment record of an employer" mean the amount~~
 392 ~~of benefits paid to individuals multiplied by:~~

393 ~~a. For benefits paid prior to July 1, 2007, 1.~~

394 ~~b. For benefits paid during the period beginning on July 1,~~
 395 ~~2007, and ending March 31, 2011, 0.90.~~

396 ~~c. For benefits paid after March 31, 2011, 1.~~

397 ~~d. For benefits paid during the period beginning April 1,~~
 398 ~~2020, and ending December 31, 2020, 0.~~

399 ~~e. For benefits paid during the period beginning January 1,~~
 400 ~~2021, and ending June 30, 2021, 1, except as otherwise adjusted~~
 401 ~~in accordance with paragraph (f).~~

402 ~~2. For the calculation of contribution rates effective~~
 403 ~~January 1, 2012, and thereafter:~~

404 ~~a. The tax collection service provider shall assign a~~
 405 ~~variation from the standard rate of contributions for each~~
 406 ~~calendar year to each eligible employer. In determining the~~

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407 contribution rate, varying from the standard rate to be assigned
 408 each employer, adjustment factors computed under sub-sub-
 409 subparagraphs (I)-(IV) are added to the benefit ratio. This
 410 addition shall be accomplished in two steps by adding a variable
 411 adjustment factor and a final adjustment factor. The sum of
 412 these adjustment factors computed under sub-sub-subparagraphs
 413 (I)-(IV) shall first be algebraically summed. The sum of these
 414 adjustment factors shall next be divided by a gross benefit
 415 ratio determined as follows: Total benefit payments for the 3-
 416 year period described in subparagraph (b)3. are charged to
 417 employers eligible for a variation from the standard rate, minus
 418 excess payments for the same period, divided by taxable payroll
 419 entering into the computation of individual benefit ratios for
 420 the calendar year for which the contribution rate is being
 421 computed. The ratio of the sum of the adjustment factors
 422 computed under sub-sub-subparagraphs (I)-(IV) to the gross
 423 benefit ratio is multiplied by each individual benefit ratio
 424 that is less than the maximum contribution rate to obtain
 425 variable adjustment factors; except that if the sum of an
 426 employer's individual benefit ratio and variable adjustment
 427 factor exceeds the maximum contribution rate, the variable
 428 adjustment factor is reduced in order for the sum to equal the
 429 maximum contribution rate. The variable adjustment factor for
 430 each of these employers is multiplied by his or her taxable
 431 payroll entering into the computation of his or her benefit
 432 ratio. The sum of these products is divided by the taxable
 433 payroll of the employers who entered into the computation of
 434 their benefit ratios. The resulting ratio is subtracted from the
 435 sum of the adjustment factors computed under sub-sub-

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436 subparagraphs (I)-(IV) to obtain the final adjustment factor.
 437 The variable adjustment factors and the final adjustment factor
 438 must be computed to five decimal places and rounded to the
 439 fourth decimal place. This final adjustment factor is added to
 440 the variable adjustment factor and benefit ratio of each
 441 employer to obtain each employer's contribution rate. An
 442 employer's contribution rate may not, however, be rounded to
 443 less than 0.1 percent. In determining the contribution rate,
 444 varying from the standard rate to be assigned, the computation
 445 shall exclude any benefit that is excluded by the multipliers
 446 under subparagraph (b)2. and subparagraph 1. The computation of
 447 the contribution rate, varying from the standard rate to be
 448 assigned, shall also exclude any benefit paid as a result of a
 449 governmental order related to COVID-19 to close or reduce
 450 capacity of a business. In addition, the contribution rate for
 451 the 2021 and 2022 calendar years shall be calculated without the
 452 application of the positive adjustment factor in sub-sub-
 453 subparagraph (III).

(I) An adjustment factor for noncharge benefits is computed
 454 to the fifth decimal place and rounded to the fourth decimal
 455 place by dividing the amount of noncharge benefits during the 3-
 456 year period described in subparagraph (b)3. by the taxable
 457 payroll of employers eligible for a variation from the standard
 458 rate who have a benefit ratio for the current year which is less
 459 than the maximum contribution rate. For purposes of computing
 460 this adjustment factor, the taxable payroll of these employers
 461 is the taxable payrolls for the 3 years ending June 30 of the
 462 current calendar year as reported to the tax collection service
 463 provider by September 30 of the same calendar year. As used in
 464

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465 this sub-sub-subparagraph, the term "noncharge benefits" means
 466 benefits paid to an individual, as adjusted pursuant to
 467 subparagraph (b)2. and subparagraph 1., from the Unemployment
 468 Compensation Trust Fund which were not charged to the employment
 469 record of any employer, but excluding any benefit paid as a
 470 result of a governmental order related to COVID-19 to close or
 471 reduce capacity of a business.

472 (II) An adjustment factor for excess payments is computed
 473 to the fifth decimal place, and rounded to the fourth decimal
 474 place by dividing the total excess payments during the 3-year
 475 period described in subparagraph (b)3. by the taxable payroll of
 476 employers eligible for a variation from the standard rate who
 477 have a benefit ratio for the current year which is less than the
 478 maximum contribution rate. For purposes of computing this
 479 adjustment factor, the taxable payroll of these employers is the
 480 same figure used to compute the adjustment factor for noncharge
 481 benefits under sub-sub-subparagraph (I). As used in this sub-
 482 subparagraph, the term "excess payments" means the amount of
 483 benefits charged to the employment record of an employer, as
 484 adjusted pursuant to subparagraph (b)2. and subparagraph 1.,
 485 during the 3-year period described in subparagraph (b)3., but
 486 excluding any benefit paid as a result of a governmental order
 487 related to COVID-19 to close or reduce capacity of a business,
 488 less the product of the maximum contribution rate and the
 489 employer's taxable payroll for the 3 years ending June 30 of the
 490 current calendar year as reported to the tax collection service
 491 provider by September 30 of the same calendar year. As used in
 492 this sub-sub-subparagraph, the term "total excess payments"
 493 means the sum of the individual employer excess payments for

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494 those employers that were eligible for assignment of a
 495 contribution rate different from the standard rate.

496 (III) With respect to computing a positive adjustment
 497 factor:

498 (A) Beginning January 1, 2012, if the balance of the
 499 Unemployment Compensation Trust Fund on September 30 of the
 500 calendar year immediately preceding the calendar year for which
 501 the contribution rate is being computed is less than 4 percent
 502 of the taxable payrolls for the year ending June 30 as reported
 503 to the tax collection service provider by September 30 of that
 504 calendar year, a positive adjustment factor shall be computed.
 505 The positive adjustment factor is computed annually to the fifth
 506 decimal place and rounded to the fourth decimal place by
 507 dividing the sum of the total taxable payrolls for the year
 508 ending June 30 of the current calendar year as reported to the
 509 tax collection service provider by September 30 of that calendar
 510 year into a sum equal to one-fifth of the difference between the
 511 balance of the fund as of September 30 of that calendar year and
 512 the sum of 5 percent of the total taxable payrolls for that
 513 year. The positive adjustment factor remains in effect for
 514 subsequent years until the balance of the Unemployment
 515 Compensation Trust Fund as of September 30 of the year
 516 immediately preceding the effective date of the contribution
 517 rate equals or exceeds 4 percent of the taxable payrolls for the
 518 year ending June 30 of the current calendar year as reported to
 519 the tax collection service provider by September 30 of that
 520 calendar year.

521 (B) Beginning January 1, 2018, and for each year
 522 thereafter, the positive adjustment shall be computed by

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523 dividing the sum of the total taxable payrolls for the year
 524 ending June 30 of the current calendar year as reported to the
 525 tax collection service provider by September 30 of that calendar
 526 year into a sum equal to one-fourth of the difference between
 527 the balance of the fund as of September 30 of that calendar year
 528 and the sum of 5 percent of the total taxable payrolls for that
 529 year. The positive adjustment factor remains in effect for
 530 subsequent years until the balance of the Unemployment
 531 Compensation Trust Fund as of September 30 of the year
 532 immediately preceding the effective date of the contribution
 533 rate equals or exceeds 4 percent of the taxable payrolls for the
 534 year ending June 30 of the current calendar year as reported to
 535 the tax collection service provider by September 30 of that
 536 calendar year.

537 (IV) If, beginning January 1, 2015, and each year
 538 thereafter, the balance of the Unemployment Compensation Trust
 539 Fund as of September 30 of the year immediately preceding the
 540 calendar year for which the contribution rate is being computed
 541 exceeds 5 percent of the taxable payrolls for the year ending
 542 June 30 of the current calendar year as reported to the tax
 543 collection service provider by September 30 of that calendar
 544 year, a negative adjustment factor must be computed. The
 545 negative adjustment factor shall be computed annually beginning
 546 on January 1, 2015, and each year thereafter, to the fifth
 547 decimal place and rounded to the fourth decimal place by
 548 dividing the sum of the total taxable payrolls for the year
 549 ending June 30 of the current calendar year as reported to the
 550 tax collection service provider by September 30 of the calendar
 551 year into a sum equal to one-fourth of the difference between

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552 the balance of the fund as of September 30 of the current
 553 calendar year and 5 percent of the total taxable payrolls of
 554 that year. The negative adjustment factor remains in effect for
 555 subsequent years until the balance of the Unemployment
 556 Compensation Trust Fund as of September 30 of the year
 557 immediately preceding the effective date of the contribution
 558 rate is less than 5 percent, but more than 4 percent of the
 559 taxable payrolls for the year ending June 30 of the current
 560 calendar year as reported to the tax collection service provider
 561 by September 30 of that calendar year. The negative adjustment
 562 authorized by this section is suspended in any calendar year in
 563 which repayment of the principal amount of an advance received
 564 from the federal Unemployment Compensation Trust Fund under 42
 565 U.S.C. s. 1321 is due to the Federal Government.

566 (V) The maximum contribution rate that may be assigned to
 567 an employer is 5.4 percent, except employers participating in an
 568 approved short-time compensation plan may be assigned a maximum
 569 contribution rate that is 1 percent greater than the maximum
 570 contribution rate for other employers in any calendar year in
 571 which short-time compensation benefits are charged to the
 572 employer's employment record.

573 (VI) As used in this subsection, "taxable payroll" shall be
 574 determined by excluding any part of the remuneration paid to an
 575 individual by an employer for employment during a calendar year
 576 in excess of the first \$7,000. Beginning January 1, 2012,
 577 "taxable payroll" shall be determined by excluding any part of
 578 the remuneration paid to an individual by an employer for
 579 employment during a calendar year as described in s.
 580 443.1217(2). For the purposes of the employer rate calculation

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581 that will take effect in January 1, 2012, and in January 1,
 582 2013, the tax collection service provider shall use the data
 583 available for taxable payroll from 2009 based on excluding any
 584 part of the remuneration paid to an individual by an employer
 585 for employment during a calendar year in excess of the first
 586 \$7,000, and from 2010 and 2011, the data available for taxable
 587 payroll based on excluding any part of the remuneration paid to
 588 an individual by an employer for employment during a calendar
 589 year in excess of the first \$8,500.

590 b. If the transfer of an employer's employment record to an
 591 employing unit under paragraph (g) which, before the transfer,
 592 was an employer, the tax collection service provider shall
 593 recompute a benefit ratio for the successor employer based on
 594 the combined employment records and reassign an appropriate
 595 contribution rate to the successor employer effective on the
 596 first day of the calendar quarter immediately after the
 597 effective date of the transfer.

598 3. The tax collection service provider shall reissue rates
 599 for the 2021 calendar year. However, an employer shall continue
 600 to timely file its employer's quarterly reports and pay the
 601 contributions due in a timely manner in accordance with the
 602 rules of the Department of Commerce. The Department of Revenue
 603 shall post the revised rates on its website to enable employers
 604 to securely review the revised rates. For contributions for the
 605 first quarter of the 2021 calendar year, if any employer remits
 606 to the tax collection service provider an amount in excess of
 607 the amount that would be due as calculated pursuant to this
 608 paragraph, the tax collection service provider shall refund the
 609 excess amount from the amount erroneously collected.

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610 Notwithstanding s. 443.141(6), refunds issued through August 31,
 611 2021, for first quarter 2021 contributions must be paid from the
 612 General Revenue Fund.

613 4. The tax collection service provider shall calculate and
 614 assign contribution rates effective January 1, 2022, through
 615 December 31, 2022, excluding any benefit charge that is excluded
 616 by the multipliers under subparagraph (b)2. and subparagraph 1.;
 617 without the application of the positive adjustment factor in
 618 sub-sub-subparagraph 2.a.(III); and without the inclusion of any
 619 benefit charge directly related to COVID-19 as a result of a
 620 governmental order to close or reduce capacity of a business, as
 621 determined by the Department of Commerce, for each employer who
 622 is eligible for a variation from the standard rate pursuant to
 623 paragraph (d). The Department of Commerce shall provide the tax
 624 collection service provider with all necessary benefit charge
 625 information by August 1, 2021, including specific information
 626 for adjustments related to COVID-19 charges resulting from a
 627 governmental order to close or reduce capacity of a business, to
 628 enable the tax collection service provider to calculate and
 629 issue tax rates effective January 1, 2022. The tax collection
 630 service provider shall calculate and post rates for the 2022
 631 calendar year by March 1, 2022.

632 ~~5. Subject to subparagraph 6., the tax collection service~~
 633 ~~provider shall calculate and assign contribution rates effective~~
 634 ~~January 1, 2023, through December 31, 2025, excluding any~~
 635 ~~benefit charge that is excluded by the multipliers under~~
 636 ~~subparagraph (b)2. and subparagraph 1.; without the application~~
 637 ~~of the positive adjustment factor in sub-sub-subparagraph~~
 638 ~~2.a.(III); and without the inclusion of any benefit charge~~

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639 ~~directly related to COVID 19 as a result of a governmental order~~
 640 ~~to close or reduce capacity of a business, as determined by the~~
 641 ~~Department of Commerce, for each employer who is eligible for a~~
 642 ~~variation from the standard rate pursuant to paragraph (d). The~~
 643 ~~Department of Commerce shall provide the tax collection service~~
 644 ~~provider with all necessary benefit charge information by August~~
 645 ~~1 of each year, including specific information for adjustments~~
 646 ~~related to COVID 19 charges resulting from a governmental order~~
 647 ~~to close or reduce capacity of a business, to enable the tax~~
 648 ~~collection service provider to calculate and issue tax rates~~
 649 ~~effective the following January.~~

650 ~~6. If the balance of the Unemployment Compensation Trust~~
 651 ~~Fund on June 30 of any year exceeds \$4,071,519,600, subparagraph~~
 652 ~~5. is repealed for rates effective the following years. The~~
 653 ~~Office of Economic and Demographic Research shall advise the tax~~
 654 ~~collection service provider of the balance of the trust fund on~~
 655 ~~June 30 by August 1 of that year. After the repeal of~~
 656 ~~subparagraph 5. and notwithstanding the dates specified in that~~
 657 ~~subparagraph, the tax collection service provider shall~~
 658 ~~calculate and assign contribution rates for each subsequent~~
 659 ~~calendar year as otherwise provided in this section.~~

660 Reviser's note.—Amended to conform to certification by the
 661 Office of Economic and Demographic Research to the
 662 Department of Revenue on April 2, 2024, that the ending
 663 balance in the Unemployment Compensation Trust Fund
 664 exceeded the amount specified in subparagraph 6., thus
 665 triggering the repeal of subparagraph 5. pursuant to
 666 subparagraph 6.
 667 Section 12. Subsection (4) of section 570.441, Florida

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668 Statutes, is repealed.

669 Reviser's note.—The cited subsection, which relates to use of
 670 specified funds from the Pest Control Trust Fund to carry
 671 out the provisions of s. 570.44, expired pursuant to its
 672 own terms, effective June 30, 2024.

673 Section 13. Section 570.83, Florida Statutes, is repealed.

674 Reviser's note.—The cited section, the Beef Market Development
 675 Act, was repealed pursuant to its own terms, effective
 676 October 1, 2024.

677 Section 14. Subsection (3) of section 717.123, Florida
 678 Statutes, is repealed.

679 Reviser's note.—The cited subsection, which provides for
 680 retention of specified funds for the 2022-2023 fiscal year,
 681 expired pursuant to its own terms, effective July 1, 2024.

682 Section 15. Section 1002.334, Florida Statutes, is
 683 repealed.

684 Reviser's note.—The cited section, which relates to the
 685 Innovative Blended Learning and Real-Time Student
 686 Assessment Pilot Program, expired pursuant to its own
 687 terms, effective July 1, 2024.

688 Section 16. Paragraph (v) of subsection (8) of section
 689 213.053, Florida Statutes, is repealed.

690 Reviser's note.—The cited paragraph, which relates to
 691 information relative to s. 220.193, is repealed to conform
 692 to the repeal of s. 220.193 by this act.

693 Section 17. Subsection (8) of section 220.02, Florida
 694 Statutes, is amended to read:

695 220.02 Legislative intent.—

696 (8) It is the intent of the Legislature that credits

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697 against either the corporate income tax or the franchise tax be
 698 applied in the following order: those enumerated in s. 631.828,
 699 those enumerated in s. 220.191, those enumerated in s. 220.181,
 700 those enumerated in s. 220.183, those enumerated in s. 220.182,
 701 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 702 those enumerated in s. 220.184, those enumerated in s. 220.186,
 703 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 704 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 705 those enumerated in s. 220.1876, those enumerated in s.
 706 220.1877, those enumerated in s. 220.1878, ~~those enumerated in~~
 707 ~~s. 220.193~~, those enumerated in former s. 288.9916, those
 708 enumerated in former s. 220.1899, those enumerated in former s.
 709 220.194, those enumerated in s. 220.196, those enumerated in s.
 710 220.198, those enumerated in s. 220.1915, those enumerated in s.
 711 220.199, those enumerated in s. 220.1991, and those enumerated
 712 in s. 220.1992.

713 Reviser's note.—Amended to conform to the repeal of s. 220.193
 714 by this act.

715 Section 18. Paragraph (a) of subsection (1) of section
 716 220.13, Florida Statutes, is amended to read:

717 220.13 "Adjusted federal income" defined.—

718 (1) The term "adjusted federal income" means an amount
 719 equal to the taxpayer's taxable income as defined in subsection
 720 (2), or such taxable income of more than one taxpayer as
 721 provided in s. 220.131, for the taxable year, adjusted as
 722 follows:

723 (a) *Additions*.—There shall be added to such taxable income:

724 1.a. The amount of any tax upon or measured by income,
 725 excluding taxes based on gross receipts or revenues, paid or

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726 accrued as a liability to the District of Columbia or any state
 727 of the United States which is deductible from gross income in
 728 the computation of taxable income for the taxable year.

729 b. Notwithstanding sub-subparagraph a., if a credit taken
 730 under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is
 731 added to taxable income in a previous taxable year under
 732 subparagraph 11. and is taken as a deduction for federal tax
 733 purposes in the current taxable year, the amount of the
 734 deduction allowed shall not be added to taxable income in the
 735 current year. The exception in this sub-subparagraph is intended
 736 to ensure that the credit under s. 220.1875, s. 220.1876, s.
 737 220.1877, or s. 220.1878 is added in the applicable taxable year
 738 and does not result in a duplicate addition in a subsequent
 739 year.

740 2. The amount of interest which is excluded from taxable
 741 income under s. 103(a) of the Internal Revenue Code or any other
 742 federal law, less the associated expenses disallowed in the
 743 computation of taxable income under s. 265 of the Internal
 744 Revenue Code or any other law, excluding 60 percent of any
 745 amounts included in alternative minimum taxable income, as
 746 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 747 taxpayer pays tax under s. 220.11(3).

748 3. In the case of a regulated investment company or real
 749 estate investment trust, an amount equal to the excess of the
 750 net long-term capital gain for the taxable year over the amount
 751 of the capital gain dividends attributable to the taxable year.

752 4. That portion of the wages or salaries paid or incurred
 753 for the taxable year which is equal to the amount of the credit
 754 allowable for the taxable year under s. 220.181. This

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755 subparagraph shall expire on the date specified in s. 290.016
 756 for the expiration of the Florida Enterprise Zone Act.

757 5. That portion of the ad valorem school taxes paid or
 758 incurred for the taxable year which is equal to the amount of
 759 the credit allowable for the taxable year under s. 220.182. This
 760 subparagraph shall expire on the date specified in s. 290.016
 761 for the expiration of the Florida Enterprise Zone Act.

762 6. The amount taken as a credit under s. 220.195 which is
 763 deductible from gross income in the computation of taxable
 764 income for the taxable year.

765 7. That portion of assessments to fund a guaranty
 766 association incurred for the taxable year which is equal to the
 767 amount of the credit allowable for the taxable year.

768 8. In the case of a nonprofit corporation which holds a
 769 pari-mutuel permit and which is exempt from federal income tax
 770 as a farmers' cooperative, an amount equal to the excess of the
 771 gross income attributable to the pari-mutuel operations over the
 772 attributable expenses for the taxable year.

773 9. The amount taken as a credit for the taxable year under
 774 s. 220.1895.

775 10. Up to nine percent of the eligible basis of any
 776 designated project which is equal to the credit allowable for
 777 the taxable year under s. 220.185.

778 11. Any amount taken as a credit for the taxable year under
 779 s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The
 780 addition in this subparagraph is intended to ensure that the
 781 same amount is not allowed for the tax purposes of this state as
 782 both a deduction from income and a credit against the tax. This
 783 addition is not intended to result in adding the same expense

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784 back to income more than once.

785 12. ~~The amount taken as a credit for the taxable year under~~
 786 ~~s. 220.193.~~

787 13. The amount taken as a credit for the taxable year under
 788 s. 220.196. The addition in this subparagraph is intended to
 789 ensure that the same amount is not allowed for the tax purposes
 790 of this state as both a deduction from income and a credit
 791 against the tax. The addition is not intended to result in
 792 adding the same expense back to income more than once.

793 13.14. The amount taken as a credit for the taxable year
 794 pursuant to s. 220.198.

795 14.15. The amount taken as a credit for the taxable year
 796 pursuant to s. 220.1915.

797 15.16. The amount taken as a credit for the taxable year
 798 pursuant to s. 220.199.

799 16.17. The amount taken as a credit for the taxable year
 800 pursuant to s. 220.1991.

801 Reviser's note.—Amended to conform to the repeal of s. 220.193
 802 by this act.

803 Section 19. Paragraph (n) of subsection (2) of section
 804 377.703, Florida Statutes, is repealed.

805 Reviser's note.—The cited paragraph, which relates to an
 806 assessment of the renewable energy production credit
 807 authorized in s. 220.193, is repealed to conform to the
 808 repeal of s. 220.193 by this act.

809 Section 20. Section 571.26, Florida Statutes, is amended to
 810 read:

811 571.26 Florida Agricultural Promotional Campaign Trust
 812 Fund.—There is hereby created the Florida Agricultural

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813 Promotional Campaign Trust Fund within the Department of
 814 Agriculture and Consumer Services to receive all moneys related
 815 to the Florida Agricultural Promotional Campaign. Moneys
 816 deposited in the trust fund shall be appropriated for the sole
 817 purpose of implementing the Florida Agricultural Promotional
 818 Campaign, except for money deposited in the trust fund pursuant
 819 to s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.h.~~, which shall be held
 820 separately and used solely for the purposes identified in s.
 821 571.265.

822 Reviser's note.—Amended to conform to the redesignation of
 823 existing sub-subparagraphs by s. 17, ch. 2023-173, Laws of
 824 Florida, and the deletion of s. 212.20(6)(d)6.e. by this
 825 act.

826 Section 21. Subsection (2) of section 571.265, Florida
 827 Statutes, is amended to read:

828 571.265 Promotion of Florida thoroughbred breeding and of
 829 thoroughbred racing at Florida thoroughbred tracks; distribution
 830 of funds.—

831 (2) Funds deposited into the Florida Agricultural
 832 Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)6.e.
 833 ~~212.20(6)(d)6.f.~~ shall be used by the department to encourage
 834 the agricultural activity of breeding thoroughbred racehorses in
 835 this state and to enhance thoroughbred racing conducted at
 836 thoroughbred tracks in this state as provided in this section.
 837 If the funds made available under this section are not fully
 838 used in any one fiscal year, any unused amounts shall be carried
 839 forward in the trust fund into future fiscal years and made
 840 available for distribution as provided in this section.
 841 Reviser's note.—Amended to conform to the deletion of s.

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842 212.20(6)(d)6.e. by this act.
 843 Section 22. This act shall take effect on the 60th day
 844 after adjournment sine die of the session of the Legislature in
 845 which enacted.

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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 Rules

BILL: SB 42

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Yeatman	RC	Pre-meeting

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; delete obsolete, repealed, or superseded provisions; and revise statutory provisions to conform to directives of the Legislature. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; and revise statutory provisions to conform to directives of the Legislature. A reviser's bill cannot be amended except to delete a bill section.

This bill substantially amends the following sections of the Florida Statutes: ss. 17.69, 30.61, 39.5035, 39.822, 39.8296, 50.051, 119.071, 121.051, 121.71, 154.506, 159.8053, 159.811, 175.032, 177.073, 193.703, 196.011, 196.1978, 215.55871, 280.051, 282.709, 284.51, 286.0113, 288.102, 288.987, 316.0083, 319.30, 320.08058, 322.27, 322.76, 330.41, 337.195, 341.302, 365.172, 373.250, 393.12, 394.468, 395.901, 397.68141, 403.031, 403.086, 403.121, 408.051, 409.909, 409.988, 420.606, 420.6241, 456.0145, 456.4501, 459.0075, 465.022, 466.016, 466.028, 466.0281, 493.6127, 516.15, 516.38, 517.131, 550.0351, 553.8991, 581.189, 605.0115, 607.0149, 624.27, 624.307, 624.413, 624.4213, 624.424, 624.470, 626.878, 627.410, 629.121, 648.25, 655.0591, 683.06, 709.2209, 715.105, 717.101, 717.1201, 718.111, 719.108, 720.303, 720.3033, 720.3075, 738.505, 812.141, 828.30, 921.0022, 938.10, 985.433, 1001.372, 1001.47, 1001.706, 1002.33, 1002.394, 1002.395, 1004.44, 1004.647, 1004.6499, 1004.64991, 1004.76, 1006.07, 1006.28, 1008.34, 1009.23, 1009.895, 1011.804, 1012.22, and 1012.55, F.S.; reenacts

and amends s. 394.467, F.S.; reenacts 569.31, 895.02(8), 1003.485 and 1012.315; and repeals s. 331.370, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, correct grammatical and typographical errors, and revise statutory provisions to conform to directives of the Legislature are submitted every year.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 17.69, 30.61, 39.5035, 39.822, 39.8296, 50.051, 119.071, 121.051, 121.71, 154.506, 159.8053, 159.811, 175.032, 177.073, 193.703, 196.011, 196.1978, 215.55871, 280.051, 282.709, 284.51, 286.0113, 288.102, 288.987, 316.0083, 319.30, 320.08058, 322.27, 322.76, 330.41, 337.195, 341.302, 365.172, 373.250, 393.12, 394.468, 395.901, 397.68141, 403.031, 403.086, 403.121, 408.051, 409.909, 409.988, 420.606, 420.6241, 456.0145, 456.4501, 459.0075, 465.022, 466.016, 466.028, 466.0281, 493.6127, 516.15, 516.38, 517.131, 550.0351, 553.8991, 581.189, 605.0115, 607.0149, 624.27, 624.307, 624.413, 624.4213, 624.424, 624.470, 626.878, 627.410, 629.121, 648.25, 655.0591, 683.06, 709.2209, 715.105, 717.101, 717.1201, 718.111, 719.108, 720.303, 720.3033, 720.3075, 738.505, 812.141, 828.30, 921.0022, 938.10, 985.433, 1001.372, 1001.47, 1001.706, 1002.33, 1002.394, 1002.395, 1004.44, 1004.647, 1004.6499, 1004.64991, 1004.76, 1006.07, 1006.28, 1008.34, 1009.23, 1009.895, 1011.804, 1012.22, and 1012.55, F.S.; reenacts and amends s. 394.467, F.S.; reenacts 569.31, 895.02(8), 1003.485 and 1012.315; and repeals s. 331.370, F.S.

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 Passidomo

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 17.69, 30.61, 39.5035, 39.822, 39.8296, 50.051,
 4 119.071, 121.051, 121.71, 154.506, 159.8053, 159.811,
 5 175.032, 177.073, 193.703, 196.011, 196.1978,
 6 215.55871, 280.051, 282.709, 284.51, 286.0113,
 7 288.102, 288.987, 316.0083, 319.30, 320.08058, 322.27,
 8 322.76, 330.41, 337.195, 341.302, 365.172, 373.250,
 9 393.12, 394.468, 395.901, 397.68141, 403.031, 403.086,
 10 403.121, 408.051, 409.909, 409.988, 420.606, 420.6241,
 11 456.0145, 456.4501, 459.0075, 465.022, 466.016,
 12 466.028, 466.0281, 493.6127, 516.15, 516.38, 517.131,
 13 550.0351, 553.8991, 581.189, 605.0115, 607.0149,
 14 624.27, 624.307, 624.413, 624.4213, 624.424, 624.470,
 15 626.878, 627.410, 629.121, 648.25, 655.0591, 683.06,
 16 709.2209, 715.105, 717.101, 717.1201, 718.111,
 17 719.108, 720.303, 720.3033, 720.3075, 738.505,
 18 812.141, 828.30, 921.0022, 938.10, 985.433, 1001.372,
 19 1001.47, 1001.706, 1002.33, 1002.394, 1002.395,
 20 1004.44, 1004.647, 1004.6499, 1004.64991, 1004.76,
 21 1006.07, 1006.28, 1008.34, 1009.23, 1009.895,
 22 1011.804, 1012.22, and 1012.55, F.S.; reenacting and
 23 amending s. 394.467, F.S.; reenacting ss. 569.31,
 24 895.02(8), 1003.485, and 1012.315, F.S.; and repealing
 25 s. 331.370, F.S.; deleting provisions that have
 26 expired, have become obsolete, have had their effect,
 27 have served their purpose, or have been impliedly
 28 repealed or superseded; replacing incorrect cross-
 29 references and citations; correcting grammatical,

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30 typographical, and like errors; removing
 31 inconsistencies, redundancies, and unnecessary
 32 repetition in the statutes; and improving the clarity
 33 of the statutes and facilitating their correct
 34 interpretation; providing an effective date.
 35
 36 Be It Enacted by the Legislature of the State of Florida:
 37
 38 Section 1. Paragraph (b) of subsection (3) of section
 39 17.69, Florida Statutes, is amended to read:
 40 17.69 Federal Tax Liaison.-
 41 (3) The Federal Tax Liaison may:
 42 (b) Direct taxpayers to the proper division or office
 43 within the Internal Revenue Service in order to facilitate
 44 timely resolution of of ~~to~~ taxpayer issues.
 45 Reviser's note.-Amended to confirm an editorial substitution to
 46 improve clarity.
 47 Section 2. Subsection (2) of section 30.61, Florida
 48 Statutes, is amended to read:
 49 30.61 Establishment of civilian oversight boards.-
 50 (2) The board must be composed of at least three and up to
 51 seven members appointed by the sheriff, one of whom ~~which~~ shall
 52 be a retired law enforcement officer.
 53 Reviser's note.-Amended to confirm an editorial substitution to
 54 conform to context.
 55 Section 3. Paragraph (c) of subsection (4) of section
 56 39.5035, Florida Statutes, is amended to read:
 57 39.5035 Deceased parents; special procedures.-
 58 (4) Notice of the date, time, and place of the adjudicatory

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59 hearing and a copy of the petition must be served on the
60 following persons:

61 (c) The guardian ad litem for the child or the
62 representative of the Statewide Guardian ad Litem Office
63 ~~guardian ad litem program~~, if the office program has been
64 appointed.

65 Reviser's note.—Amended pursuant to the directive of the
66 Legislature in s. 61, ch. 2024-70, Laws of Florida, to the
67 Division of Law Revision to prepare a reviser's bill for
68 the 2025 Regular Session of the Legislature to change the
69 terms "Guardian ad Litem Program" and "State Guardian ad
70 Litem Program" throughout the Florida Statutes to
71 "Statewide Guardian ad Litem Office."

72 Section 4. Paragraph (a) of subsection (2) of section
73 39.822, Florida Statutes, is amended to read:

74 39.822 Appointment of guardian ad litem for abused,
75 abandoned, or neglected child.—

76 (2) (a) A guardian ad litem must:

77 1. Be present at all court hearings unless excused by the
78 court.

79 2. Investigate issues related to the best interest of the
80 child who is the subject of the appointment, review all
81 disposition recommendations and changes in placement, and,
82 unless excused by the court, file written reports and
83 recommendations in accordance with general law.

84 3. Represent the child until the court's jurisdiction over
85 the child terminates or until excused by the court.

86 4. Advocate for the child's participation in the
87 proceedings and ~~to~~ report the child's preferences to the court,

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88 to the extent the child has the ability and desire to express
89 his or her preferences.

90 5. Perform other duties that are consistent with the scope
91 of the appointment.

92 Reviser's note.—Amended to confirm an editorial deletion to
93 improve clarity.

94 Section 5. Paragraph (b) of subsection (2) of section
95 39.8296, Florida Statutes, is amended to read:

96 39.8296 Statewide Guardian ad Litem Office; legislative
97 findings and intent; creation; appointment of executive
98 director; duties of office.—

99 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
100 Statewide Guardian ad Litem Office within the Justice
101 Administrative Commission. The Justice Administrative Commission
102 shall provide administrative support and service to the office
103 to the extent requested by the executive director within the
104 available resources of the commission. The Statewide Guardian ad
105 Litem Office is not subject to control, supervision, or
106 direction by the Justice Administrative Commission in the
107 performance of its duties, but the employees of the office are
108 governed by the classification plan and salary and benefits plan
109 approved by the Justice Administrative Commission.

110 (b) The Statewide Guardian ad Litem Office shall, within
111 available resources, have oversight responsibilities for and
112 provide technical assistance to all guardian ad litem and
113 attorney ad litem offices located within the judicial circuits.

114 1. The office shall identify the resources required to
115 implement methods of collecting, reporting, and tracking
116 reliable and consistent case data.

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- 117 2. The office shall review the current guardian ad litem
118 offices in Florida and other states.
- 119 3. The office, in consultation with local guardian ad litem
120 offices, shall develop statewide performance measures and
121 standards.
- 122 4. The office shall develop and maintain a guardian ad
123 litem training program, which must be updated regularly.
- 124 5. The office shall review the various methods of funding
125 guardian ad litem offices, maximize the use of those funding
126 sources to the extent possible, and review the kinds of services
127 being provided by circuit guardian ad litem offices.
- 128 6. The office shall determine the feasibility or
129 desirability of new concepts of organization, administration,
130 financing, or service delivery designed to preserve the civil
131 and constitutional rights and fulfill other needs of dependent
132 children.
- 133 7. The office shall ensure that each child has an attorney
134 assigned to his or her case and, within available resources, is
135 represented using multidisciplinary teams that may include
136 volunteers, pro bono attorneys, social workers, and mentors.
- 137 8. The office shall provide oversight and technical
138 assistance to attorneys ad litem, including, but not limited to,
139 all of the following:
- 140 a. Development of ~~Develop~~ an attorney ad litem training
141 program in collaboration with dependency court stakeholders,
142 including, but not limited to, dependency judges,
143 representatives from legal aid providing attorney ad litem
144 representation, and an attorney ad litem appointed from a
145 registry maintained by the chief judge. The training program

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- 146 must be updated regularly with or without convening the
147 stakeholders group.
- 148 b. Offering Offer~~er~~ consultation and technical assistance to
149 chief judges in maintaining attorney registries for the
150 selection of attorneys ad litem.
- 151 c. Assistance ~~Assist~~ with recruitment, training, and
152 mentoring of attorneys ad litem as needed.
- 153 9. In an effort to promote normalcy and establish trust
154 between a guardian ad litem and a child alleged to be abused,
155 abandoned, or neglected under this chapter, a guardian ad litem
156 may transport a child. However, a guardian ad litem may not be
157 required by a guardian ad litem circuit office or ordered by a
158 court to transport a child.
- 159 10. The office shall submit to the Governor, the President
160 of the Senate, the Speaker of the House of Representatives, and
161 the Chief Justice of the Supreme Court an interim report
162 describing the progress of the office in meeting the goals as
163 described in this section. The office shall submit to the
164 Governor, the President of the Senate, the Speaker of the House
165 of Representatives, and the Chief Justice of the Supreme Court a
166 proposed plan including alternatives for meeting the state's
167 guardian ad litem and attorney ad litem needs. This plan may
168 include recommendations for less than the entire state, may
169 include a phase-in system, and shall include estimates of the
170 cost of each of the alternatives. Each year the office shall
171 provide a status report and provide further recommendations to
172 address the need for guardian ad litem representation and
173 related issues.
- 174 Reviser's note.—Amended to improve structure.

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175 Section 6. Section 50.051, Florida Statutes, is amended to
 176 read:

177 50.051 Proof of publication; form of uniform affidavit.—The
 178 printed form upon which all such affidavits establishing proof
 179 of publication are to be executed shall be substantially as
 180 follows:

181
 182 NAME OF COUNTY

183
 184 STATE OF FLORIDA

185
 186 COUNTY OF+

187 Before the undersigned authority personally appeared,
 188 who on oath says that he or she is of County, Florida;
 189 that the attached copy of advertisement, being a in the
 190 matter of in the Court, was published on the publicly
 191 accessible website of County, Florida, or in a newspaper by
 192 print in the issues of on ...(date)....

193 Affiant further says that the website or newspaper complies
 194 with all legal requirements for publication in chapter 50,
 195 Florida Statutes.

196
 197 Sworn to and subscribed before me this day of,
 198 ...(year)..., by, who is personally known to me or who has
 199 produced ...(type of identification)... as identification.

200
 201 ...(Signature of Notary Public)...

202
 203 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

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204
 205 ... (Notary Public)...

206 Reviser's note.—Amended to conform to general style in forms.

207 Section 7. Paragraph (e) of subsection (3) of section
 208 119.071, Florida Statutes, is amended to read:

209 119.071 General exemptions from inspection or copying of
 210 public records.—

211 (3) SECURITY AND FIRESAFETY.—

212 (e)1.a. Building plans, blueprints, schematic drawings, and
 213 diagrams, including draft, preliminary, and final formats, which
 214 depict the structural elements of 911, E911, or public safety
 215 radio communication system infrastructure, including towers,
 216 antennas ~~antennae~~, equipment or facilities used to provide 911,
 217 E911, or public safety radio communication services, or other
 218 911, E911, or public safety radio communication structures or
 219 facilities owned and operated by an agency are exempt from s.
 220 119.07(1) and s. 24(a), Art. I of the State Constitution.

221 b. Geographical maps indicating the actual or proposed
 222 locations of 911, E911, or public safety radio communication
 223 system infrastructure, including towers, antennas ~~antennae~~,
 224 equipment or facilities used to provide 911, E911, or public
 225 safety radio services, or other 911, E911, or public safety
 226 radio communication structures or facilities owned and operated
 227 by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I
 228 of the State Constitution.

229 2. This exemption applies to building plans, blueprints,
 230 schematic drawings, and diagrams, including draft, preliminary,
 231 and final formats, which depict the structural elements of 911,
 232 E911, or public safety radio communication system infrastructure

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233 or other 911, E911, or public safety radio communication
 234 structures or facilities owned and operated by an agency, and
 235 geographical maps indicating actual or proposed locations of
 236 911, E911, or public safety radio communication system
 237 infrastructure or other 911, E911, or public safety radio
 238 communication structures or facilities owned and operated by an
 239 agency, before, on, or after the effective date of this act.

240 3. Information made exempt by this paragraph may be
 241 disclosed:

242 a. To another governmental entity if disclosure is
 243 necessary for the receiving entity to perform its duties and
 244 responsibilities;

245 b. To a licensed architect, engineer, or contractor who is
 246 performing work on or related to the 911, E911, or public safety
 247 radio communication system infrastructure, including towers,
 248 antennas ~~antennae~~, equipment or facilities used to provide 911,
 249 E911, or public safety radio communication services, or other
 250 911, E911, or public safety radio communication structures or
 251 facilities owned and operated by an agency; or

252 c. Upon a showing of good cause before a court of competent
 253 jurisdiction.

254 4. The entities or persons receiving such information must
 255 maintain the exempt status of the information.

256 5. For purposes of this paragraph, the term "public safety
 257 radio" is defined as the means of communication between and
 258 among 911 public safety answering points, dispatchers, and first
 259 responder agencies using those portions of the radio frequency
 260 spectrum designated by the Federal Communications Commission
 261 under 47 C.F.R. part 90 for public safety purposes.

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262 6. This paragraph is subject to the Open Government Sunset
 263 Review Act in accordance with s. 119.15 and shall stand repealed
 264 on October 2, 2025, unless reviewed and saved from repeal
 265 through reenactment by the Legislature.

266 Reviser's note.—Amended to conform to the general usage of
 267 "antennas" when referencing transducers and "antennae" when
 268 referencing insect parts.

269 Section 8. Paragraph (a) of subsection (2) of section
 270 121.051, Florida Statutes, is amended to read:

271 121.051 Participation in the system.—

272 (2) OPTIONAL PARTICIPATION.—

273 (a)1. Any officer or employee who is a member of an
 274 existing system, except any officer or employee of any nonprofit
 275 professional association or corporation, may elect, if eligible,
 276 to become a member of this system at any time between April 15,
 277 1971, and June 1, 1971, inclusive, by notifying his or her
 278 employer in writing of the desire to transfer membership from
 279 the existing system to this system. Any officer or employee who
 280 was a member of an existing system on December 1, 1970, and who
 281 did not elect to become a member of this system shall continue
 282 to be covered under the existing system subject to the
 283 provisions of s. 121.045. A person who has retired under any
 284 state retirement system shall not be eligible to transfer to the
 285 Florida Retirement System created by this chapter subsequent to
 286 such retirement. ~~Any officer or employee who, prior to July 1,
 287 1947, filed a written rejection of membership in a state
 288 retirement system and who continues employment without
 289 participating in the Florida Retirement System may withdraw the
 290 rejection in writing and, if otherwise eligible, participate in~~

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291 ~~the Florida Retirement System and purchase prior service in~~
 292 ~~accordance with this chapter.~~ Any former member of an existing
 293 system who was permitted to transfer to the Florida Retirement
 294 System while employed by the University Athletic Association,
 295 Inc., a nonprofit association connected with the University of
 296 Florida, during this or subsequent transfer periods, contrary to
 297 the provisions of this paragraph, is hereby confirmed as a
 298 member of the Florida Retirement System, the provisions of this
 299 paragraph to the contrary notwithstanding. Any officer or
 300 employee of the University Athletic Association, Inc., employed
 301 prior to July 1, 1979, who was a member of the Florida
 302 Retirement System and who chose in writing on a University
 303 Athletic Association Plan Participation Election form, between
 304 July 1, 1979, and March 31, 1980, inclusively, to terminate his
 305 or her participation in the Florida Retirement System shall
 306 hereby have such termination of participation confirmed and
 307 declared irrevocable retroactive to the date Florida Retirement
 308 System retirement contributions ceased to be reported for such
 309 officer or employee. The following specific conditions shall
 310 apply to any such officer or employee whose participation was so
 311 terminated: The officer or employee shall retain all creditable
 312 service earned in the Florida Retirement System through the
 313 month that retirement contributions ceased to be reported and no
 314 creditable service shall be earned after such month; the officer
 315 or employee shall not be eligible for disability retirement or
 316 death in line of duty benefits if such occurred after the date
 317 that participation terminated; and, the officer or employee may
 318 participate in the Florida Retirement System in the future only
 319 if employed by a participating employer in a regularly

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320 established position.

321 2. Any member transferring from the existing system under
 322 chapter 238 shall retain rights to survivor benefits under that
 323 chapter through November 30, 1975, or until fully insured for
 324 disability benefits under social security, whichever is the
 325 earliest date, and thereafter no such rights shall exist.

326 3. Any officer or employee who is a member of an existing
 327 system on April 15, 1972, and who was eligible to transfer to
 328 this system under the provisions of subparagraph 1., but who
 329 elected to remain in the existing system, may elect, if eligible
 330 under the Social Security Act, 42 U.S.C. s. 418(d)(6)(F), to
 331 become a member of this system at any time between April 15,
 332 1972, and June 30, 1972, inclusive, by notifying his or her
 333 employer in writing of the desire to transfer membership from an
 334 existing system to this system. Such transfer shall be subject
 335 to the following conditions:

336 a. All persons electing to transfer to the Florida
 337 Retirement System under this subparagraph shall be transferred
 338 on July 1, 1972, and shall thereafter be subject to the
 339 provisions of the Florida Retirement System retroactively to
 340 November 30, 1970, and at retirement have their benefits
 341 calculated in accordance with the provisions of s. 121.091.

342 b. Social security coverage incidental to such elective
 343 membership in the Florida Retirement System shall be effective
 344 November 30, 1970, and all amounts required from a member for
 345 retroactive social security coverage shall, at the time such
 346 election is made, be deducted from the individual account of the
 347 member, and the difference between the amount remaining in the
 348 individual account of such member and the total amount which

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349 such member would have contributed had he or she become a member
 350 of the Florida Retirement System on November 30, 1970, shall be
 351 paid into the system trust fund and added to the member's
 352 individual account prior to July 1, 1975, or by his or her date
 353 of retirement, if earlier. Interest at the rate of 8 percent per
 354 annum, compounded annually until paid, shall be charged on any
 355 balance remaining unpaid on said date.

356 c. There is appropriated out of the system trust fund into
 357 the Social Security Contribution Trust Fund the amount required
 358 by federal laws and regulations to be contributed with respect
 359 to social security coverage for the years after November 30,
 360 1970, of the members of an existing system who transfer to the
 361 Florida Retirement System in accordance with this subparagraph
 362 and who qualify for retroactive social security coverage. The
 363 amount paid from this appropriation with respect to the
 364 employees of any employer shall be charged to the employing
 365 agency. There shall be credited against this charge the
 366 difference between the matching contributions actually made for
 367 the affected employees from November 30, 1970, to June 30, 1972,
 368 and the amount of matching contributions that would have been
 369 required under the Florida Retirement System.

370 d. The net amounts charged the employing agencies for
 371 employees transferring to the Florida Retirement System under
 372 this subparagraph shall be paid to the system trust fund prior
 373 to July 1, 1975. Interest at the rate of 8 percent per annum,
 374 compounded annually until paid, shall be charged on any balance
 375 remaining unpaid on said date.

376 e. The administrator shall request such modification of the
 377 state's agreement with the Social Security Administration, or

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378 any referendum required under the Social Security Act governing
 379 social security coverage, as may be required to implement the
 380 provisions of this law. Retroactive social security coverage for
 381 service with an employer prior to November 30, 1970, shall not
 382 be provided for any member who was not covered under the
 383 agreement as of November 30, 1970.

384 4. Any officer or employee who was a member of an existing
 385 system on December 1, 1970, and who is still a member of an
 386 existing system, except any officer or employee of any nonprofit
 387 professional association or corporation, may elect, if eligible,
 388 to become a member of this system at any time between September
 389 1, 1974, and November 30, 1974, inclusive, by notifying his or
 390 her employer in writing of the desire to transfer membership
 391 from the existing system to this system. This decision to
 392 transfer or not to transfer shall become irrevocable on November
 393 30, 1974. All members electing to transfer during the transfer
 394 period shall become members of the Florida Retirement System on
 395 January 1, 1975, and shall be subject to the provisions of the
 396 Florida Retirement System on and after that date. Any officer or
 397 employee who was a member of an existing system on December 1,
 398 1970, and who does not elect to become a member of this system
 399 shall continue to be covered under the existing system, subject
 400 to the provisions of s. 121.045. Any member transferring from
 401 the Teachers' Retirement System of Florida under chapter 238 to
 402 the Florida Retirement System on January 1, 1975, shall retain
 403 rights to survivor benefits under chapter 238 from January 1,
 404 1975, through December 31, 1979, or until fully insured for
 405 disability benefits under the Social Security Act, whichever is
 406 the earliest date, and thereafter no such rights shall exist.

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407 5.a. Any officer or employee who was a member of an
 408 existing system on December 1, 1970, and who is still a member
 409 of an existing system, except any officer or employee of any
 410 nonprofit professional association or corporation, may elect, if
 411 eligible, to become a member of this system at any time between
 412 January 2, 1982, and May 31, 1982, inclusive, by notifying his
 413 or her employer in writing of the desire to transfer membership
 414 from the existing system to this system. This decision to
 415 transfer or not to transfer shall become irrevocable on May 31,
 416 1982. All members electing to transfer during the transfer
 417 period shall become members of the Florida Retirement System on
 418 July 1, 1982, and shall be subject to the provisions of the
 419 Florida Retirement System on and after that date. Any officer or
 420 employee who was a member of an existing system on December 1,
 421 1970, and who does not elect to become a member of this system
 422 shall continue to be covered under the existing system, subject
 423 to the provisions of s. 121.045. Any member transferring from
 424 the Teachers' Retirement System under chapter 238 to the Florida
 425 Retirement System on January 1, 1979, shall retain rights to
 426 survivor benefits under chapter 238 from January 1, 1979,
 427 through December 31, 1983, or until fully insured for disability
 428 benefits under the federal Social Security Act, whichever is the
 429 earliest date, and thereafter no such rights shall exist. Any
 430 such member transferring to the Florida Retirement System on
 431 July 1, 1982, shall retain rights to survivor benefits under
 432 chapter 238 from July 1, 1982, through June 30, 1987, or until
 433 fully insured for disability benefits under the federal Social
 434 Security Act, whichever is the earliest date, and thereafter no
 435 such rights shall exist.

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436 b. Any deficit, as determined by the state actuary,
 437 accruing to the Survivors' Benefit Trust Fund of the Teachers'
 438 Retirement System and resulting from the passage of chapter 78-
 439 308, Laws of Florida, and chapter 80-242, Laws of Florida, shall
 440 become an obligation of the Florida Retirement System Trust
 441 Fund.
 442 6. Any active member of an existing system who was not
 443 employed in a covered position during a time when transfer to
 444 the Florida Retirement System was allowed as described in rule
 445 22B-1.004(2)(a), Florida Administrative Code, or as provided in
 446 paragraph (1)(c) of this section, may elect, if eligible, to
 447 become a member of this system at any time between January 1,
 448 1991, and May 29, 1991, inclusive, by notifying his or her
 449 employer in writing of the desire to transfer membership from
 450 the existing system to this system. The decision to transfer or
 451 not to transfer shall become irrevocable on May 29, 1991.
 452 Failure to notify the employer shall result in compulsory
 453 membership in the existing system. All members electing to
 454 transfer during the transfer period shall become members of the
 455 Florida Retirement System on July 1, 1991, and shall be subject
 456 to the provisions of the Florida Retirement System on and after
 457 that date. Any member so transferring from the existing system
 458 under chapter 238 to the Florida Retirement System on July 1,
 459 1991, shall retain rights to survivor benefits under that
 460 chapter from July 1, 1991, through June 30, 1996, or until fully
 461 insured for benefits under the federal Social Security Act,
 462 whichever is the earliest date, and thereafter no such rights
 463 shall exist.
 464 Reviser's note.—Amended to delete obsolete language.

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465 Section 9. Subsection (5) of section 121.71, Florida
 466 Statutes, is amended to read:
 467 121.71 Uniform rates; process; calculations; levy.—
 468 (5) In order to address unfunded actuarial liabilities of
 469 the system, the required employer retirement contribution rates
 470 for each membership class and subclass of the Florida Retirement
 471 System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2024
Regular Class	4.84%
Special Risk Class	12.07%
Special Risk Administrative Support Class	26.22%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys,	50.21%

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Public Defenders	
Elected Officers' Class— Justices, Judges	28.49%
Elected Officers' Class— County Elected Officers	44.23%
Senior Management Service Class	23.90%
DROP	10.64%

482 Reviser's note.—Amended to confirm the editorial reinsertion of
 483 percent signs stricken by s. 3, ch. 2024-92, Laws of
 484 Florida, to facilitate correct interpretation.
 485 Section 10. Subsections (1) and (3) of section 154.506,
 486 Florida Statutes, are amended to read:
 487 154.506 Primary care for children and families challenge
 488 grant awards.—

489 (1) Primary care for children and families challenge grants
 490 shall be awarded on a matching basis. The county or counties
 491 shall provide \$1 in local matching funds for each \$2 grant
 492 payment made by the state. Except as provided in subsection (2),
 493 up to 50 percent of the county match may be in-kind in the form
 494 of free hospital and physician services. ~~However, a county shall~~
 495 ~~not supplant the value of donated services in fiscal year 1996~~
 496 ~~as documented in the volunteer health care provider program~~
 497 ~~annual report.~~ The department shall develop a methodology for

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499 determining the value of an in-kind match. Any third party
500 reimbursement and all fees collected shall not be considered
501 local match or in-kind contributions. Fifty percent of the local
502 match shall be in the form of cash.

503 (3) Grant awards shall be based on a county's population
504 size, or each individual county's size in a group of counties,
505 and other factors, in an amount as determined by the department.
506 ~~However, for fiscal year 1997-1998, no fewer than four grants~~
507 ~~shall be awarded.~~

508 Reviser's note.—Amended to delete obsolete language.

509 Section 11. Paragraph (g) of subsection (2) of section
510 159.8053, Florida Statutes, is amended to read:

511 159.8053 Issuance reports; final certification of
512 allocation.—

513 (2) Each issuance report must include all of the following
514 information:

515 (g) The purpose for which the bonds were issued, including
516 the private business or entity that will benefit from or use the
517 proceeds of the bonds; the name of the project, if known; the
518 location of the project; whether the project is an acquisition
519 of an existing facility or new construction; and the number of
520 products manufactured or the number of residential units, if
521 applicable.

522 Reviser's note.—Amended to confirm an editorial insertion to
523 improve clarity.

524 Section 12. Subsection (1) of section 159.811, Florida
525 Statutes, is amended to read:

526 159.811 Fees; trust fund.—

527 (1) There shall be imposed a nonrefundable fee on each

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528 notice of intent to issue a private activity bond filed with the
529 division pursuant to s. 159.8051. A notice of intent to issue
530 may not be accepted by the division unless and until the fee has
531 been paid. The fee, which may be revised from time to time, must
532 be an amount sufficient to cover all expenses of maintaining the
533 allocation system in this part. The amount of the fee may not
534 exceed \$500 and may be adjusted no more than once every 6
535 months. The fee must be included in the division's schedule of
536 fees and expenses in s. 215.65(3).

537 Reviser's note.—Amended to confirm an editorial insertion to
538 improve clarity.

539 Section 13. Subsection (2) of section 175.032, Florida
540 Statutes, is amended to read:

541 175.032 Definitions.—For any municipality, special fire
542 control district, chapter plan, local law municipality, local
543 law special fire control district, or local law plan under this
544 chapter, the term:

545 (2) "Average final compensation" for:

546 (a) A full-time firefighter means one-twelfth of the
547 average annual compensation of the 5 best years of the last 10
548 years of creditable service before retirement, termination, or
549 death, or the career average as a full-time firefighter ~~since~~
550 ~~July 1, 1953~~, whichever is greater. A year is 12 consecutive
551 months or such other consecutive period of time as is used and
552 consistently applied.

553 (b) A volunteer firefighter means the average salary of the
554 5 best years of the last 10 best contributing years before
555 change in status to a permanent full-time firefighter or
556 retirement as a volunteer firefighter or the career average of a

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557 volunteer firefighter, ~~since July 1, 1953~~, whichever is greater.
 558 Reviser's note.—Amended to delete obsolete language.

559 Section 14. Paragraph (b) of subsection (1) of section
 560 177.073, Florida Statutes, is amended to read:

561 177.073 Expedited approval of residential building permits
 562 before a final plat is recorded.—

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

564 (b) "Final plat" means the final tracing, map, or site plan
 565 presented by the subdivider to a governing body for final
 566 approval, and, upon approval by the appropriate governing body,
 567 ~~is~~ submitted to the clerk of the circuit court for recording.
 568 Reviser's note.—Amended to improve sentence structure.

569 Section 15. Paragraph (b) of subsection (7) of section
 570 193.703, Florida Statutes, is amended to read:

571 193.703 Reduction in assessment for living quarters of
 572 parents or grandparents.—

573 (7)

574 (b)1. If a reduction is improperly granted due to a
 575 clerical mistake or omission by the property appraiser, the
 576 person who improperly received the reduction may not be assessed
 577 a penalty or interest. Back taxes shall apply only as follows:

578 a. If the person who received the reduction in assessed
 579 value as a result of a clerical mistake or omission voluntarily
 580 discloses to the property appraiser that he or she was not
 581 entitled to the reduction in assessed value before the property
 582 appraiser notifies the owner of the mistake or omission, no back
 583 taxes shall be due.

584 b. If the person who received the reduction in assessed
 585 value as a result of a clerical mistake or omission does not

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586 voluntarily disclose to the property appraiser that he or she
 587 was not entitled to the limitation before the property appraiser
 588 notifies the owner of the mistake or omission, back taxes shall
 589 be due for any year or years that the owner was not entitled to
 590 the limitation within the 5 years before the property appraiser
 591 notified the owner of the mistake or omission.

592 2. The property appraiser shall serve upon an owner who
 593 ~~that~~ owes back taxes under sub-subparagraph 1.b. a notice of
 594 intent to record in the public records of the county a notice of
 595 tax lien against any property owned by that person in the
 596 county, and such property must be identified in the notice of
 597 tax lien. The property appraiser must include with such notice
 598 information explaining why the owner is not entitled to the
 599 limitation, the years for which unpaid taxes are due, and the
 600 manner in which unpaid taxes have been calculated. Before such
 601 lien may be filed, the owner must be given 30 days within which
 602 to pay the taxes, penalties, and interest. Such lien is subject
 603 to s. 196.161(3).

604 Reviser's note.—Amended to confirm an editorial substitution to
 605 conform to context.

606 Section 16. Subsection (1) of section 196.011, Florida
 607 Statutes, is amended to read:

608 196.011 Annual application required for exemption.—

609 (1) (a) Except as provided in s. 196.081(1)(b), every person
 610 or organization who, on January 1, has the legal title to real
 611 or personal property, except inventory, which is entitled by law
 612 to exemption from taxation as a result of its ownership and use
 613 shall, on or before March 1 of each year, file an application
 614 for exemption with the county property appraiser, listing and

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615 describing the property for which exemption is claimed and
 616 certifying its ownership and use. The Department of Revenue
 617 shall prescribe the forms upon which the application is made.
 618 Failure to make application, when required, on or before March 1
 619 of any year shall constitute a waiver of the exemption privilege
 620 for that year, except as provided in subsection (8) ~~(7)~~ or
 621 subsection (9).

622 (b) The form to apply for an exemption under s. 196.031, s.
 623 196.081, s. 196.091, s. 196.101, s. 196.102, s. 196.173, or s.
 624 196.202 must include a space for the applicant to list the
 625 social security number of the applicant and of the applicant's
 626 spouse, if any. If an applicant files a timely and otherwise
 627 complete application, and omits the required social security
 628 numbers, the application is incomplete. In that event, the
 629 property appraiser shall contact the applicant, who may refile a
 630 complete application by April 1. Failure to file a complete
 631 application by that date constitutes a waiver of the exemption
 632 privilege for that year, except as provided in subsection (8)
 633 ~~(7)~~ or subsection (9).

634 Reviser's note.—Amended to conform to the redesignation of
 635 former subsection (7) as subsection (8) by s. 4, ch. 2024-
 636 101, Laws of Florida.

637 Section 17. Paragraph (b) of subsection (4) of section
 638 196.1978, Florida Statutes, is amended to read:

639 196.1978 Affordable housing property exemption.—

640 (4)

641 (b) The multifamily project must:

642 1. Be composed of an improvement to land where an
 643 improvement did not previously exist or the construction of a

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644 new improvement where an old improvement was removed, which was
 645 substantially completed within 2 years before the first
 646 submission of an application for exemption under this
 647 subsection. For purposes of this subsection, the term
 648 "substantially completed" has the same definition as in s.
 649 192.042(1).

650 2. Contain more than 70 units that are used to provide
 651 affordable housing to natural persons or families meeting the
 652 extremely-low-income, very-low-income, or low-income limits
 653 specified in s. 420.0004.

654 3. Be subject to a land use restriction agreement with the
 655 Florida Housing Finance Corporation recorded in the official
 656 records of the county in which the property is located that
 657 requires that the property be used for 99 years to provide
 658 affordable housing to natural persons or families meeting the
 659 extremely-low-income, very-low-income, low-income, or moderate-
 660 income limits specified in s. 420.0004. The agreement must
 661 include a provision for a penalty for ceasing to provide
 662 affordable housing under the agreement before the end of the
 663 agreement term that is equal to 100 percent of the total amount
 664 financed by the corporation multiplied by each year remaining in
 665 the agreement. The agreement may be terminated or modified
 666 without penalty if the exemption under this subsection is
 667 repealed.

669 The property is no longer eligible for this exemption if the
 670 property no longer serves extremely-low-income, very-low-income,
 671 or low-income persons pursuant to the recorded agreement.

672 Reviser's note.—Amended to confirm an editorial insertion to

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673 improve clarity.

674 Section 18. Paragraph (c) of subsection (5) of section
675 215.55871, Florida Statutes, is amended to read:

676 215.55871 My Safe Florida Condominium Pilot Program.—There
677 is established within the Department of Financial Services the
678 My Safe Florida Condominium Pilot Program to be implemented
679 pursuant to appropriations. The department shall provide fiscal
680 accountability, contract management, and strategic leadership
681 for the pilot program, consistent with this section. This
682 section does not create an entitlement for associations or unit
683 owners or obligate the state in any way to fund the inspection
684 or retrofitting of condominiums in the state. Implementation of
685 this pilot program is subject to annual legislative
686 appropriations. It is the intent of the Legislature that the My
687 Safe Florida Condominium Pilot Program provide licensed
688 inspectors to perform inspections for and grants to eligible
689 associations as funding allows.

690 (5) MITIGATION GRANTS.—Financial grants may be used by
691 associations to make improvements recommended in a hurricane
692 mitigation inspection report which increase the condominium's
693 resistance to hurricane damage.

694 (c) An association awarded a grant must complete the entire
695 mitigation project in order to receive the final grant award and
696 must agree to make the property available for a final inspection
697 once the mitigation project is finished to ensure the mitigation
698 improvements are completed in a manner ~~matter~~ consistent with
699 the intent of the pilot program and meet or exceed the
700 applicable Florida Building Code requirements. Construction must
701 be completed and the association must submit a request to the

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702 department for a final inspection, or request an extension of
703 time, within 1 year after receiving grant approval. If the
704 association fails to comply with this paragraph, the application
705 is deemed abandoned and the grant money reverts back to the
706 department.

707 Reviser's note.—Amended to confirm an editorial substitution to
708 conform to context.

709 Section 19. Section 280.051, Florida Statutes, is amended
710 to read:

711 280.051 Grounds for suspension or disqualification of a
712 qualified public depository.—A qualified public depository may
713 be suspended or disqualified or both if the Chief Financial
714 Officer determines that the qualified public depository ~~has~~:

715 (1) Has violated any of the provisions of this chapter or
716 any rule adopted by the Chief Financial Officer pursuant to this
717 chapter.

718 (2) Has submitted reports containing inaccurate or
719 incomplete information regarding public deposits or collateral
720 for such deposits, tangible equity capital, or the calculation
721 of required collateral.

722 (3) Has failed to maintain required collateral.

723 (4) Has grossly misstated the market value of the
724 securities pledged as collateral.

725 (5) Has failed to pay any administrative penalty.

726 (6) Has failed to furnish the Chief Financial Officer with
727 prompt and accurate information, or failed to allow inspection
728 and verification of any information, dealing with public
729 deposits or dealing with the exact status of its tangible equity
730 capital, or other financial information that the Chief Financial

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731 Officer determines necessary to verify compliance with this
732 chapter or any rule adopted pursuant to this chapter.

733 (7) Has failed to furnish the Chief Financial Officer, when
734 the Chief Financial Officer requested, with a power of attorney
735 or bond power or other bond assignment form required by the bond
736 agent, bond trustee, or other transferor for each issue of
737 registered certificated securities pledged.

738 (8) Has failed to furnish any agreement, report, form, or
739 other information required to be filed pursuant to s. 280.16, or
740 when requested by the Chief Financial Officer.

741 (9) Has submitted reports signed by an unauthorized
742 individual.

743 (10) Has submitted reports without a certified or verified
744 signature, or both, if required by law.

745 (11) Has released a security without notice or approval.

746 (12) Has failed to execute or have the custodian execute a
747 collateral control agreement before using a custodian.

748 (13) Has failed to give notification as required by s.
749 280.10.

750 (14) Has failed to file the attestation required under s.
751 280.025.

752 (15) No longer meets the definition of a qualified public
753 depository under s. 280.02.

754 Reviser's note.—Amended to improve clarity.

755 Section 20. Paragraph (c) of subsection (1) of section
756 282.709, Florida Statutes, is amended to read:

757 282.709 State agency law enforcement radio system and
758 interoperability network.—

759 (1) The department may acquire and administer a statewide

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760 radio communications system to serve law enforcement units of
761 state agencies, and to serve local law enforcement agencies
762 through mutual aid channels.

763 (c)1. The department may rent or lease space on any tower
764 under its control and refuse to lease space on any tower at any
765 site.

766 2. The department may rent, lease, or sublease ground space
767 as necessary to locate equipment to support antennas ~~antennae~~ on
768 the towers. The costs for the use of such space shall be
769 established by the department for each site if it is determined
770 to be practicable and feasible to make space available.

771 3. The department may rent, lease, or sublease ground space
772 on lands acquired by the department for the construction of
773 privately owned or publicly owned towers. The department may, as
774 a part of such rental, lease, or sublease agreement, require
775 space on such towers for antennas ~~antennae~~ as necessary for the
776 construction and operation of the state agency law enforcement
777 radio system or any other state need.

778 4. All moneys collected by the department for rents,
779 leases, and subleases under this subsection shall be deposited
780 directly into the State Agency Law Enforcement Radio System
781 Trust Fund established in subsection (3) and may be used by the
782 department to construct, maintain, or support the system.

783 5. The positions necessary for the department to accomplish
784 its duties under this subsection shall be established in the
785 General Appropriations Act and funded by the Law Enforcement
786 Radio Operating Trust Fund or other revenue sources.

787 Reviser's note.—Amended to conform to the general usage of
788 "antennas" when referencing transducers and "antennae" when

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789 referencing insect parts.

790 Section 21. Paragraph (a) of subsection (1) of section
791 284.51, Florida Statutes, is amended to read:

792 284.51 Electroencephalogram combined transcranial magnetic
793 stimulation treatment pilot program.—

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

795 (a) "Division" means the Division of Risk Management of ~~at~~
796 the Department of Financial Services.

797 Reviser's note.—Amended to confirm an editorial substitution to
798 improve clarity.

799 Section 22. Paragraphs (a) and (b) of subsection (4) of
800 section 286.0113, Florida Statutes, are amended to read:

801 286.0113 General exemptions from public meetings.—

802 (4) (a) Any portion of a meeting that would reveal building
803 plans, blueprints, schematic drawings, or diagrams, including
804 draft, preliminary, and final formats, which depict the
805 structural elements of 911, E911, or public safety radio
806 communication system infrastructure, including towers, antennas
807 ~~antennae~~, equipment or facilities used to provide 911, E911, or
808 public safety radio communication services, or other 911, E911,
809 or public safety radio communication structures or facilities
810 made exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011
811 and s. 24, Art. I of the State Constitution.

812 (b) Any portion of a meeting that would reveal geographical
813 maps indicating the actual or proposed locations of 911, E911,
814 or public safety radio communication system infrastructure,
815 including towers, antennas ~~antennae~~, equipment or facilities
816 used to provide 911, E911, or public safety radio communication
817 services, or other 911, E911, or public safety radio

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818 communication structures or facilities made exempt by s.

819 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of
820 the State Constitution.

821 Reviser's note.—Amended to conform to the general usage of

822 "antennas" when referencing transducers and "antennae" when
823 referencing insect parts.

824 Section 23. Paragraph (a) of subsection (3) and subsection
825 (7) of section 288.102, Florida Statutes, are amended to read:

826 288.102 Supply Chain Innovation Grant Program.—

827 (3) (a) The department shall collaborate with the Department
828 of Transportation to review applications submitted and select
829 projects for awards which create strategic investments in
830 infrastructure to increase capacity and address freight mobility
831 to meet the economic development goals of the state.

832 (7) The Department of Commerce, in conjunction with the
833 Department of Transportation, shall annually provide a list of
834 each project awarded, the benefit of each project in meeting the
835 goals and objectives of the program, and the current status of
836 each project. The department shall include such information in
837 its annual incentives report required under s. 288.0065 ~~20.0065~~.

838 Reviser's note.—Paragraph (3) (a) is amended to confirm an
839 editorial insertion to facilitate correct interpretation.

840 Subsection (7) is amended to conform to the fact that s.
841 20.0065 does not exist, and s. 288.0065 provides for the
842 department's annual incentives report.

843 Section 24. Paragraph (b) of subsection (2) of section
844 288.987, Florida Statutes, is amended to read:

845 288.987 Florida Defense Support.—

846 (2)

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847 (b) The direct-support organization is organized and
 848 operated to request, receive, hold, invest, and administer
 849 property and to manage and make expenditures related to its
 850 mission and for joint planning with host communities to
 851 accommodate military missions and prevent base encroachment,
 852 provide advocacy on the state's behalf with federal civilian and
 853 military officials, promote ~~promotion~~ of the state to military
 854 and related contractors and employers, and support ~~of~~ economic
 855 and product research and development activities of the defense
 856 industry.

857 Reviser's note.—Amended to confirm an editorial substitution and
 858 an editorial deletion to improve clarity.

859 Section 25. Paragraphs (b) and (c) of subsection (4) of
 860 section 316.0083, Florida Statutes, are amended to read:

861 316.0083 Mark Wandall Traffic Safety Program;
 862 administration; report.—

863 (4)

864 (b) Each county or municipality that operates a traffic
 865 infraction detector shall submit a report by October 1, ~~2012,~~
 866 ~~and~~ annually ~~thereafter~~, to the department which details the
 867 results of using the traffic infraction detector and the
 868 procedures for enforcement for the preceding state fiscal year.
 869 The information submitted by the counties and municipalities
 870 must include:

871 1. The number of notices of violation issued, the number
 872 that were contested, the number that were upheld, the number
 873 that were dismissed, the number that were issued as uniform
 874 traffic citations, the number that were paid, and the number in
 875 each of the preceding categories for which the notice of

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876 violation was issued for a right-hand turn violation.

877 2. A description of alternative safety countermeasures
 878 taken before and after the placement or installation of a
 879 traffic infraction detector.

880 3. Statistical data and information required by the
 881 department to complete the summary report required under
 882 paragraph (c).

883

884 The department must publish each report submitted by a county or
 885 municipality pursuant to this paragraph on its website.

886 (c) On or before December 31, ~~2012,~~ and annually
 887 ~~thereafter~~, the department shall provide a summary report to the
 888 Governor, the President of the Senate, and the Speaker of the
 889 House of Representatives regarding the use and operation of
 890 traffic infraction detectors under this section, along with the
 891 department's recommendations and any necessary legislation. The
 892 summary report must include a review of the information
 893 submitted to the department by the counties and municipalities
 894 and must describe the enhancement of the traffic safety and
 895 enforcement programs.

896 Reviser's note.—Amended to delete obsolete language.

897 Section 26. Paragraph (y) of subsection (1) of section
 898 319.30, Florida Statutes, is amended to read:

899 319.30 Definitions; dismantling, destruction, change of
 900 identity of motor vehicle, vessel, or mobile home; salvage.—

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

902 (y) "Vessel" has the same meaning as in s. 713.78(1)(h)
 903 ~~713.78(1)(b)~~.

904 Reviser's note.—Amended to conform to the redesignation of s.

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905 713.78(1)(b) as s. 713.78(1)(h) by s. 5, ch. 2024-27, Laws
906 of Florida.

907 Section 27. Paragraph (b) of subsection (130) of section
908 320.08058, Florida Statutes, is amended to read:

909 320.08058 Specialty license plates.—

910 (130) THE VILLAGES: MAY ALL YOUR DREAMS COME TRUE LICENSE
911 PLATES.—

912 (b) The annual use fees from the sale of the plate must be
913 distributed to The Villages Charter School, Inc., a Florida
914 nonprofit corporation. Up to 10 percent of the fees may be used
915 for administrative costs and marketing of the plate. The
916 remaining funds must be distributed with the approval of and
917 accountability to the board of directors of The Villages Charter
918 School, Inc., and must be used to provide support to The
919 Villages Charter School, Inc., as it provides K-12 education.
920 Reviser's note.—Amended to confirm an editorial insertion to
921 conform to the complete name of the corporation.

922 Section 28. Paragraph (d) of subsection (3) of section
923 322.27, Florida Statutes, is amended to read:

924 322.27 Authority of department to suspend or revoke driver
925 license or identification card.—

926 (3) There is established a point system for evaluation of
927 convictions of violations of motor vehicle laws or ordinances,
928 and violations of applicable provisions of s. 403.413(6)(b) when
929 such violations involve the use of motor vehicles, for the
930 determination of the continuing qualification of any person to
931 operate a motor vehicle. The department is authorized to suspend
932 the license of any person upon showing of its records or other
933 good and sufficient evidence that the licensee has been

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934 convicted of violation of motor vehicle laws or ordinances, or
935 applicable provisions of s. 403.413(6)(b), amounting to 12 or
936 more points as determined by the point system. The suspension
937 shall be for a period of not more than 1 year.

938 (d) The point system shall have as its basic element a
939 graduated scale of points assigning relative values to
940 convictions of the following violations:

941 1. Reckless driving, willful and wanton—4 points.

942 2. Leaving the scene of a crash resulting in property
943 damage of more than \$50—6 points.

944 3. Unlawful speed, or unlawful use of a wireless
945 communications device, resulting in a crash—6 points.

946 4. Passing a stopped school bus:

947 a. Not causing or resulting in serious bodily injury to or
948 death of another—4 points.

949 b. Causing or resulting in serious bodily injury to or
950 death of another—6 points.

951 c. Points may not be imposed for a violation of passing a
952 stopped school bus as provided in s. 316.172(1)(a) or (b) when
953 enforced by a school bus infraction detection system pursuant to
954 s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
955 when enforced by a school bus infraction detection system
956 pursuant to s. 316.173 may not be used for purposes of setting
957 motor vehicle insurance rates.

958 5. Unlawful speed:

959 a. Not in excess of 15 miles per hour of lawful or posted
960 speed—3 points.

961 b. In excess of 15 miles per hour of lawful or posted
962 speed—4 points.

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963 c. Points may not be imposed for a violation of unlawful
 964 speed as provided in s. 316.1895 or s. 316.183 when enforced by
 965 a traffic infraction enforcement officer pursuant to s.
 966 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
 967 when enforced by a traffic infraction enforcement officer
 968 pursuant to s. 316.1896 may not be used for purposes of setting
 969 motor vehicle insurance rates.

970 6. A violation of a traffic control signal device as
 971 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
 972 However, points may not be imposed for a violation of s.
 973 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 974 stop at a traffic signal and when enforced by a traffic
 975 infraction enforcement officer. In addition, a violation of s.
 976 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 977 stop at a traffic signal and when enforced by a traffic
 978 infraction enforcement officer may not be used for purposes of
 979 setting motor vehicle insurance rates.

980 7. Unlawfully driving a vehicle through a railroad-highway
 981 grade crossing-6 points.

982 8. All other moving violations (including parking on a
 983 highway outside the limits of a municipality)-3 points. However,
 984 points may not be imposed for a violation of s. 316.0741 or s.
 985 316.2065(11); and points may be imposed for a violation of s.
 986 316.1001 only when imposed by the court after a hearing pursuant
 987 to s. 318.14(5).

988 9. Any moving violation covered in this paragraph,
 989 excluding unlawful speed and unlawful use of a wireless
 990 communications device, resulting in a crash-4 points.

991 10. Any conviction under s. 403.413(6)(b)-3 points.

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992 11. Any conviction under s. 316.0775(2)-4 points.

993 12. A moving violation covered in this paragraph which is
 994 committed in conjunction with the unlawful use of a wireless
 995 communications device within a school safety zone-2 points, in
 996 addition to the points assigned for the moving violation.
 997 Reviser's note.-Amended to confirm an editorial insertion to
 998 improve clarity.

999 Section 29. Subsection (6) of section 322.76, Florida
 1000 Statutes, is amended to read:

1001 322.76 Clerk of Court Driver License Reinstatement Pilot
 1002 Program in Miami-Dade County.-There is created in Miami-Dade
 1003 County the Clerk of Court Driver License Reinstatement Pilot
 1004 Program.

1005 (6) By December 31, 2025, the clerk must submit to the
 1006 Governor, the President of the Senate, the Speaker of the House
 1007 of Representatives, and the Executive Director of the Florida
 1008 Clerks of Court Operations Corporation a report containing the
 1009 following information:

1010 (a) Number of driver license reinstatements.

1011 (b) Amount of fees and costs collected, including the
 1012 aggregate funds received by the clerk, local governmental
 1013 entities, and state entities, including the General Revenue
 1014 Fund.

1015 (c) The personnel, operating, and other expenditures
 1016 incurred by the clerk.

1017 (d) Feedback received from the community, if any, in
 1018 response to the clerk's participation in the pilot program.

1019 (e) Whether the pilot program led to improved timeliness
 1020 for the reinstatement of driver licenses.

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- 1021 (f) The clerk's recommendation as to whether the pilot
 1022 program should be extended in Miami-Dade County or to other
 1023 clerks' offices.
- 1024 (g) Any other information the clerk deems necessary.
- 1025 Reviser's note.—Amended to confirm an editorial insertion to
 1026 improve clarity.
- 1027 Section 30. Paragraph (a) of subsection (2) of section
 1028 330.41, Florida Statutes, is amended to read:
- 1029 330.41 Unmanned Aircraft Systems Act.—
- 1030 (2) DEFINITIONS.—As used in this act, the term:
- 1031 (a) "Critical infrastructure facility" means any of the
 1032 following, if completely enclosed by a fence or other physical
 1033 barrier that is obviously designed to exclude intruders, or if
 1034 clearly marked with a sign or signs which indicate that entry is
 1035 forbidden and which are posted on the property in a manner
 1036 reasonably likely to come to the attention of intruders:
- 1037 1. A power generation or transmission facility, substation,
 1038 switching station, or electrical control center.
 - 1039 2. A chemical or rubber manufacturing or storage facility.
 - 1040 3. A water intake structure, water treatment facility,
 1041 wastewater treatment plant, or pump station.
 - 1042 4. A mining facility.
 - 1043 5. A natural gas or compressed gas compressor station,
 1044 storage facility, or natural gas or compressed gas pipeline.
 - 1045 6. A liquid natural gas or propane gas terminal or storage
 1046 facility.
 - 1047 7. Any portion of an aboveground oil or gas pipeline.
 - 1048 8. A refinery.
 - 1049 9. A gas processing plant, including a plant used in the

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- 1050 processing, treatment, or fractionation of natural gas.
- 1051 10. A wireless communications facility, including the
 1052 tower, antennas ~~antennae~~, support structures, and all associated
 1053 ground-based equipment.
- 1054 11. A seaport as listed in s. 311.09(1), which need not be
 1055 completely enclosed by a fence or other physical barrier and
 1056 need not be marked with a sign or signs indicating that entry is
 1057 forbidden.
- 1058 12. An inland port or other facility or group of facilities
 1059 serving as a point of intermodal transfer of freight in a
 1060 specific area physically separated from a seaport.
- 1061 13. An airport as defined in s. 330.27.
- 1062 14. A spaceport territory as defined in s. 331.303(19).
- 1063 15. A military installation as defined in 10 U.S.C. s.
 1064 2801(c)(4) and an armory as defined in s. 250.01.
- 1065 16. A dam as defined in s. 373.403(1) or other structures,
 1066 such as locks, floodgates, or dikes, which are designed to
 1067 maintain or control the level of navigable waterways.
- 1068 17. A state correctional institution as defined in s.
 1069 944.02 or a contractor-operated correctional facility authorized
 1070 under chapter 957.
- 1071 18. A secure detention center or facility as defined in s.
 1072 985.03, or a moderate-risk residential facility, a high-risk
 1073 residential facility, or a maximum-risk residential facility as
 1074 those terms are described in s. 985.03(44).
- 1075 19. A county detention facility as defined in s. 951.23.
- 1076 20. A critical infrastructure facility as defined in s.
 1077 692.201.
- 1078 Reviser's note.—Amended to conform to the general usage of

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1079 "antennas" when referencing transducers and "antennae" when
 1080 referencing insect parts.

1081 Section 31. Section 331.370, Florida Statutes, is repealed.

1082 Reviser's note.—The cited section, which relates to specified
 1083 space and aerospace infrastructure improvements from funds
 1084 provided in Specific Appropriation 2649 of ch. 2008-152,
 1085 Laws of Florida, is obsolete, as there are no funds still
 1086 in usage from the specified appropriation.

1087 Section 32. Subsection (5) of section 337.195, Florida
 1088 Statutes, is amended to read:

1089 337.195 Limits on liability.—

1090 (5) If, in any civil action for death, injury, or damages,
 1091 the department ~~of Transportation~~ or a contractor or design
 1092 engineer is determined to be immune from liability pursuant to
 1093 this section, the department, contractor, or design engineer may
 1094 not be named on the jury verdict form or be found to be at fault
 1095 or responsible for the injury, death, or damage that gave rise
 1096 to the damages for the theory of liability from which the
 1097 department, contractor, or design engineer was found to be
 1098 immune.

1099 Reviser's note.—Amended to confirm an editorial substitution to
 1100 conform to the revision of all other references in s.
 1101 337.195 by s. 10, ch. 2024-173, Laws of Florida. For
 1102 purposes of the Florida Transportation Code, s. 334.03(9)
 1103 defines "department" as the "Department of Transportation."
 1104 Section 33. Paragraph (b) of subsection (3) of section
 1105 341.302, Florida Statutes, is amended to read:

1106 341.302 Rail program; duties and responsibilities of the
 1107 department.—The department, in conjunction with other

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1108 governmental entities, including the rail enterprise and the
 1109 private sector, shall develop and implement a rail program of
 1110 statewide application designed to ensure the proper maintenance,
 1111 safety, revitalization, and expansion of the rail system to
 1112 assure its continued and increased availability to respond to
 1113 statewide mobility needs. Within the resources provided pursuant
 1114 to chapter 216, and as authorized under federal law, the
 1115 department shall:

1116 (3) Develop and periodically update the rail system plan,
 1117 on the basis of an analysis of statewide transportation needs.

1118 (b) In recognition of the department's role in the
 1119 enhancement of the state's rail system to improve freight and
 1120 passenger mobility, the department shall:

1121 1. Work closely with all affected communities along an
 1122 impacted freight rail corridor to identify and address
 1123 anticipated impacts associated with an increase in freight rail
 1124 traffic due to implementation of passenger rail.

1125 2. In coordination with the affected local governments and
 1126 CSX Transportation, Inc., finalize all viable alternatives from
 1127 the department's Rail Traffic Evaluation Study to identify and
 1128 develop an alternative route for through freight rail traffic
 1129 moving through Central Florida, including the counties of Polk
 1130 and Hillsborough, which would address, to the extent
 1131 practicable, the effects of commuter rail.

1132 3. Provide technical assistance to a coalition of local
 1133 governments in Central Florida, including the counties of
 1134 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
 1135 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
 1136 Sumter, and Volusia, and the municipalities within those

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1137 counties, to develop a regional rail system plan that addresses
 1138 passenger and freight opportunities in the region, is consistent
 1139 with the Florida Rail System Plan, and incorporates appropriate
 1140 elements of the ~~Tampa Bay Area Regional Authority Master Plan,~~
 1141 the Metroplan Orlando Regional Transit System Concept Plan,
 1142 including the SunRail project, and the Florida Department of
 1143 Transportation Alternate Rail Traffic Evaluation.

1144 Reviser's note.—Amended to conform to the repeal of part III,
 1145 chapter 343, the Tampa Bay Area Regional Transit Authority
 1146 Act, by s. 1, ch. 2023-143, Laws of Florida, and
 1147 dissolution of the authority effective June 30, 2024, by s.
 1148 2, ch. 2023-143.

1149 Section 34. Paragraphs (f), (j), (dd), and (ii) of
 1150 subsection (3) and paragraphs (a) and (b) of subsection (13) of
 1151 section 365.172, Florida Statutes, are amended to read:

1152 365.172 Emergency communications.—

1153 (3) DEFINITIONS.—Only as used in this section and ss.
 1154 365.171, 365.173, 365.174, and 365.177, the term:

1155 (f) "Colocation" means the situation when a second or
 1156 subsequent wireless provider uses an existing structure to
 1157 locate a second or subsequent antennas ~~antennae~~. The term
 1158 includes the ground, platform, or roof installation of equipment
 1159 enclosures, cabinets, or buildings, and cables, brackets, and
 1160 other equipment associated with the location and operation of
 1161 the antennas ~~antennae~~.

1162 (j) "Existing structure" means a structure that exists at
 1163 the time an application for permission to place antennas
 1164 ~~antennae~~ on a structure is filed with a local government. The
 1165 term includes any structure that can structurally support the

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1166 attachment of antennas ~~antennae~~ in compliance with applicable
 1167 codes.

1168 (dd) "Tower" means any structure designed primarily to
 1169 support a wireless provider's antennas ~~antennae~~.

1170 (ii) "Wireless communications facility" means any equipment
 1171 or facility used to provide service and may include, but is not
 1172 limited to, antennas ~~antennae~~, towers, equipment enclosures,
 1173 cabling, antenna brackets, and other such equipment. Placing a
 1174 wireless communications facility on an existing structure does
 1175 not cause the existing structure to become a wireless
 1176 communications facility.

1177 (13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE
 1178 IMPLEMENTATION.—To balance the public need for reliable
 1179 emergency communications services through reliable wireless
 1180 systems and the public interest served by governmental zoning
 1181 and land development regulations and notwithstanding any other
 1182 law or local ordinance to the contrary, the following standards
 1183 shall apply to a local government's actions, as a regulatory
 1184 body, in the regulation of the placement, construction, or
 1185 modification of a wireless communications facility. This
 1186 subsection may not, however, be construed to waive or alter the
 1187 provisions of s. 286.011 or s. 286.0115. For the purposes of
 1188 this subsection only, "local government" shall mean any
 1189 municipality or county and any agency of a municipality or
 1190 county only. The term "local government" does not, however,
 1191 include any airport, as defined by s. 330.27(2), even if it is
 1192 owned or controlled by or through a municipality, county, or
 1193 agency of a municipality or county. Further, notwithstanding
 1194 anything in this section to the contrary, this subsection does

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1195 not apply to or control a local government's actions as a
 1196 property or structure owner in the use of any property or
 1197 structure owned by such entity for the placement, construction,
 1198 or modification of wireless communications facilities. In the
 1199 use of property or structures owned by the local government,
 1200 however, a local government may not use its regulatory authority
 1201 so as to avoid compliance with, or in a manner that does not
 1202 advance, the provisions of this subsection.

1203 (a) Colocation among wireless providers is encouraged by
 1204 the state.

1205 1.a. Colocations on towers, including nonconforming towers,
 1206 that meet the requirements in sub-sub-subparagraphs (I), (II),
 1207 and (III), are subject to only building permit review, which may
 1208 include a review for compliance with this subparagraph. Such
 1209 colocations are not subject to any design or placement
 1210 requirements of the local government's land development
 1211 regulations in effect at the time of the colocation that are
 1212 more restrictive than those in effect at the time of the initial
 1213 antennas antennae placement approval, to any other portion of
 1214 the land development regulations, or to public hearing review.
 1215 This sub-subparagraph may not preclude a public hearing for any
 1216 appeal of the decision on the colocation application.

1217 (I) The colocation does not increase the height of the
 1218 tower to which the antennas antennae are to be attached,
 1219 measured to the highest point of any part of the tower or any
 1220 existing antenna attached to the tower;

1221 (II) The colocation does not increase the ground space
 1222 area, commonly known as the compound, approved in the site plan
 1223 for equipment enclosures and ancillary facilities; and

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1224 (III) The colocation consists of antennas antennae,
 1225 equipment enclosures, and ancillary facilities that are of a
 1226 design and configuration consistent with all applicable
 1227 regulations, restrictions, or conditions, if any, applied to the
 1228 initial antennas antennae placed on the tower and to its
 1229 accompanying equipment enclosures and ancillary facilities and,
 1230 if applicable, applied to the tower supporting the antennas
 1231 ~~antennae~~. Such regulations may include the design and aesthetic
 1232 requirements, but not procedural requirements, other than those
 1233 authorized by this section, of the local government's land
 1234 development regulations in effect at the time the initial
 1235 antennas antennae placement was approved.

1236 b. Except for a historic building, structure, site, object,
 1237 or district, or a tower included in sub-subparagraph a.,
 1238 colocations on all other existing structures that meet the
 1239 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
 1240 to no more than building permit review, and an administrative
 1241 review for compliance with this subparagraph. Such colocations
 1242 are not subject to any portion of the local government's land
 1243 development regulations not addressed herein, or to public
 1244 hearing review. This sub-subparagraph may not preclude a public
 1245 hearing for any appeal of the decision on the colocation
 1246 application.

1247 (I) The colocation does not increase the height of the
 1248 existing structure to which the antennas antennae are to be
 1249 attached, measured to the highest point of any part of the
 1250 structure or any existing antenna attached to the structure;

1251 (II) The colocation does not increase the ground space
 1252 area, otherwise known as the compound, if any, approved in the

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1253 site plan for equipment enclosures and ancillary facilities;

1254 (III) The colocation consists of antennas antennae,
 1255 equipment enclosures, and ancillary facilities that are of a
 1256 design and configuration consistent with any applicable
 1257 structural or aesthetic design requirements and any requirements
 1258 for location on the structure, but not prohibitions or
 1259 restrictions on the placement of additional colocations on the
 1260 existing structure or procedural requirements, other than those
 1261 authorized by this section, of the local government's land
 1262 development regulations in effect at the time of the colocation
 1263 application; and

1264 (IV) The colocation consists of antennas antennae,
 1265 equipment enclosures, and ancillary facilities that are of a
 1266 design and configuration consistent with all applicable
 1267 restrictions or conditions, if any, that do not conflict with
 1268 sub-sub-subparagraph (III) and were applied to the initial
 1269 antennas antennae placed on the structure and to its
 1270 accompanying equipment enclosures and ancillary facilities and,
 1271 if applicable, applied to the structure supporting the antennas
 1272 antennae.

1273 c. Regulations, restrictions, conditions, or permits of the
 1274 local government, acting in its regulatory capacity, that limit
 1275 the number of colocations or require review processes
 1276 inconsistent with this subsection do not apply to colocations
 1277 addressed in this subparagraph.

1278 d. If only a portion of the colocation does not meet the
 1279 requirements of this subparagraph, such as an increase in the
 1280 height of the proposed antennas antennae over the existing
 1281 structure height or a proposal to expand the ground space

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1282 approved in the site plan for the equipment enclosure, where all
 1283 other portions of the colocation meet the requirements of this
 1284 subparagraph, that portion of the colocation only may be
 1285 reviewed under the local government's regulations applicable to
 1286 an initial placement of that portion of the facility, including,
 1287 but not limited to, its land development regulations, and within
 1288 the review timeframes of subparagraph (d)2., and the rest of the
 1289 colocation shall be reviewed in accordance with this
 1290 subparagraph. A colocation proposal under this subparagraph that
 1291 increases the ground space area, otherwise known as the
 1292 compound, approved in the original site plan for equipment
 1293 enclosures and ancillary facilities by no more than a cumulative
 1294 amount of 400 square feet or 50 percent of the original compound
 1295 size, whichever is greater, shall, however, require no more than
 1296 administrative review for compliance with the local government's
 1297 regulations, including, but not limited to, land development
 1298 regulations review, and building permit review, with no public
 1299 hearing review. This sub-subparagraph does not preclude a public
 1300 hearing for any appeal of the decision on the colocation
 1301 application.

1302 2. If a colocation does not meet the requirements of
 1303 subparagraph 1., the local government may review the application
 1304 under the local government's regulations, including, but not
 1305 limited to, land development regulations, applicable to the
 1306 placement of initial antennas antennae and their accompanying
 1307 equipment enclosure and ancillary facilities.

1308 3. If a colocation meets the requirements of subparagraph
 1309 1., the colocation may not be considered a modification to an
 1310 existing structure or an impermissible modification of a

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1311 nonconforming structure.

1312 4. The owner of the existing tower on which the proposed
1313 antennas ~~antennae~~ are to be colocated shall remain responsible
1314 for compliance with any applicable condition or requirement of a
1315 permit or agreement, or any applicable condition or requirement
1316 of the land development regulations to which the existing tower
1317 had to comply at the time the tower was permitted, including any
1318 aesthetic requirements, provided the condition or requirement is
1319 not inconsistent with this paragraph.

1320 5. An existing tower, including a nonconforming tower, may
1321 be structurally modified in order to permit colocation or may be
1322 replaced through no more than administrative review and building
1323 permit review, and is not subject to public hearing review, if
1324 the overall height of the tower is not increased and, if a
1325 replacement, the replacement tower is a monopole tower or, if
1326 the existing tower is a camouflaged tower, the replacement tower
1327 is a like-camouflaged tower. This subparagraph may not preclude
1328 a public hearing for any appeal of the decision on the
1329 application.

1330 (b)1. A local government's land development and
1331 construction regulations for wireless communications facilities
1332 and the local government's review of an application for the
1333 placement, construction, or modification of a wireless
1334 communications facility shall only address land development or
1335 zoning issues. In such local government regulations or review,
1336 the local government may not require information on or evaluate
1337 a wireless provider's business decisions about its service,
1338 customer demand for its service, or quality of its service to or
1339 from a particular area or site, unless the wireless provider

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1340 voluntarily offers this information to the local government. In
1341 such local government regulations or review, a local government
1342 may not require information on or evaluate the wireless
1343 provider's designed service unless the information or materials
1344 are directly related to an identified land development or zoning
1345 issue or unless the wireless provider voluntarily offers the
1346 information. Information or materials directly related to an
1347 identified land development or zoning issue may include, but are
1348 not limited to, evidence that no existing structure can
1349 reasonably be used for the antennas ~~antennae~~ placement instead
1350 of the construction of a new tower, that residential areas
1351 cannot be served from outside the residential area, as addressed
1352 in subparagraph 3., or that the proposed height of a new tower
1353 or initial antennas ~~antennae~~ placement or a proposed height
1354 increase of a modified tower, replacement tower, or colocation
1355 is necessary to provide the provider's designed service. Nothing
1356 in this paragraph shall limit the local government from
1357 reviewing any applicable land development or zoning issue
1358 addressed in its adopted regulations that does not conflict with
1359 this section, including, but not limited to, aesthetics,
1360 landscaping, land use-based location priorities, structural
1361 design, and setbacks.

1362 2. Any setback or distance separation required of a tower
1363 may not exceed the minimum distance necessary, as determined by
1364 the local government, to satisfy the structural safety or
1365 aesthetic concerns that are to be protected by the setback or
1366 distance separation.

1367 3. A local government may exclude the placement of wireless
1368 communications facilities in a residential area or residential

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1369 zoning district but only in a manner that does not constitute an
 1370 actual or effective prohibition of the provider's service in
 1371 that residential area or zoning district. If a wireless provider
 1372 demonstrates to the satisfaction of the local government that
 1373 the provider cannot reasonably provide its service to the
 1374 residential area or zone from outside the residential area or
 1375 zone, the municipality or county and provider shall cooperate to
 1376 determine an appropriate location for a wireless communications
 1377 facility of an appropriate design within the residential area or
 1378 zone. The local government may require that the wireless
 1379 provider reimburse the reasonable costs incurred by the local
 1380 government for this cooperative determination. An application
 1381 for such cooperative determination may not be considered an
 1382 application under paragraph (d).

1383 4. A local government may impose a reasonable fee on
 1384 applications to place, construct, or modify a wireless
 1385 communications facility only if a similar fee is imposed on
 1386 applicants seeking other similar types of zoning, land use, or
 1387 building permit review. A local government may impose fees for
 1388 the review of applications for wireless communications
 1389 facilities by consultants or experts who conduct code compliance
 1390 review for the local government but any fee is limited to
 1391 specifically identified reasonable expenses incurred in the
 1392 review. A local government may impose reasonable surety
 1393 requirements to ensure the removal of wireless communications
 1394 facilities that are no longer being used.

1395 5. A local government may impose design requirements, such
 1396 as requirements for designing towers to support colocation or
 1397 aesthetic requirements, except as otherwise limited in this

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1398 section, but may not impose or require information on compliance
 1399 with building code type standards for the construction or
 1400 modification of wireless communications facilities beyond those
 1401 adopted by the local government under chapter 553 and that apply
 1402 to all similar types of construction.

1403 Reviser's note.—Amended to conform to the general usage of
 1404 "antennas" when referencing transducers and "antennae" when
 1405 referencing insect parts.

1406 Section 35. Subsection (9) of section 373.250, Florida
 1407 Statutes, is amended to read:

1408 373.250 Reuse of reclaimed water.—

1409 (9) To promote the use of reclaimed water and encourage
 1410 quantifiable potable water offsets that produce significant
 1411 water savings beyond those required in a consumptive use permit,
 1412 each water management district, in coordination with the
 1413 department, shall develop rules by December 31, 2025, which
 1414 provide all of the following:

1415 (a) If an applicant proposes a water supply development or
 1416 water resource development project using reclaimed water, that
 1417 meets the advanced waste treatment standards for total nitrogen
 1418 and total phosphorus ~~phosphorous~~ as defined in s. 403.086(4)(a),
 1419 as part of an application for consumptive use, the applicant is
 1420 eligible for a permit duration of up to 30 years if there is
 1421 sufficient data to provide reasonable assurance that the
 1422 conditions for permit issuance will be met for the duration of
 1423 the permit. Rules developed pursuant to this paragraph must
 1424 include, at a minimum:

1425 1. A requirement that the permittee demonstrate how
 1426 quantifiable groundwater or surface water savings associated

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1427 with the new water supply development or water resource
 1428 development project either meet water demands beyond a 20-year
 1429 permit duration or are completed for the purpose of meeting the
 1430 requirements of an adopted recovery or prevention strategy; and

1431 2. Guidelines for a district to follow in determining the
 1432 permit duration based on the project's implementation.

1433 This paragraph does not limit the existing authority of a water
 1434 management district to issue a shorter duration permit to
 1435 protect from harm the water resources or ecology of the area, or
 1436 to otherwise ensure compliance with the conditions for permit
 1437 issuance.

1438 (b) Authorization for a consumptive use permittee to seek a
 1439 permit extension of up to 10 years if the permittee proposes a
 1440 water supply development or water resource development project
 1441 using reclaimed water, that meets the advanced waste treatment
 1442 standards for total nitrogen and total phosphorus ~~phosphorous~~ as
 1443 defined in s. 403.086(4)(a), during the term of its permit which
 1444 results in the reduction of groundwater or surface water
 1445 withdrawals or is completed to benefit a waterbody with a
 1446 minimum flow or minimum water level with a recovery or
 1447 prevention strategy. Rules associated with this paragraph must
 1448 include, at a minimum:

1449 1. A requirement that the permittee be in compliance with
 1450 the permittee's consumptive use permit;

1451 2. A requirement that the permittee demonstrate how the
 1452 quantifiable groundwater or surface water savings associated
 1453 with the new water supply development or water resource
 1454 development project either meet water demands beyond the issued
 1455

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1456 permit duration or are completed for the purpose of meeting the
 1457 requirements of an adopted recovery or prevention strategy;

1458 3. A requirement that the permittee demonstrate a water
 1459 demand for the permit's allocation through the term of the
 1460 extension; and

1461 4. Guidelines for a district to follow in determining the
 1462 number of years extended, including a minimum year requirement,
 1463 based on the project implementation.

1464 This paragraph does not limit the existing authority of a water
 1465 management district to protect from harm the water resources or
 1466 ecology of the area, or to otherwise ensure compliance with the
 1467 conditions for permit issuance.

1468 Reviser's note.—Amended to confirm an editorial substitution to
 1469 conform to context.

1470 Section 36. Paragraph (d) of subsection (8) of section
 1471 393.12, Florida Statutes, is amended to read:

1472 393.12 Capacity; appointment of guardian advocate.—

1473 (8) COURT ORDER.—If the court finds the person with a
 1474 developmental disability requires the appointment of a guardian
 1475 advocate, the court shall enter a written order appointing the
 1476 guardian advocate and containing the findings of facts and
 1477 conclusions of law on which the court made its decision,
 1478 including:

1479 (d) The identity of existing alternatives and a finding as
 1480 to the validity or sufficiency of such alternatives ~~alternative~~
 1481 to alleviate the need for the appointment of a guardian
 1482 advocate;

1483 Reviser's note.—Amended to conform to context.
 1484

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1485 Section 37. Section 394.467, Florida Statutes, is reenacted
1486 and amended to read:

1487 394.467 Involuntary inpatient placement and involuntary
1488 outpatient services.—

1489 (1) DEFINITIONS.—As used in this section, the term:

1490 (a) “Court” means a circuit court or, for commitments only
1491 to involuntary outpatient services as defined in paragraph (c)
1492 ~~s. 394.4655~~, a county court.

1493 (b) “Involuntary inpatient placement” means placement in a
1494 secure receiving or treatment facility providing stabilization
1495 and treatment services to a person 18 years of age or older who
1496 does not voluntarily consent to services under this chapter, or
1497 a minor who does not voluntarily assent to services under this
1498 chapter.

1499 (c) “Involuntary outpatient services” means services
1500 provided in the community to a person who does not voluntarily
1501 consent to or participate in services under this chapter.

1502 (d) “Services plan” means an individualized plan detailing
1503 the recommended behavioral health services and supports based on
1504 a thorough assessment of the needs of the patient, to safeguard
1505 and enhance the patient’s health and well-being in the
1506 community.

1507 (2) CRITERIA FOR INVOLUNTARY SERVICES.—A person may be
1508 ordered by a court to be provided involuntary services upon a
1509 finding of the court, by clear and convincing evidence, that the
1510 person meets the following criteria:

1511 (a) *Involuntary outpatient services*.—A person ordered to
1512 involuntary outpatient services must meet the following
1513 criteria:

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1514 1. The person has a mental illness and, because of his or
1515 her mental illness:

1516 a. He or she is unlikely to voluntarily participate in a
1517 recommended services plan and has refused voluntary services for
1518 treatment after sufficient and conscientious explanation and
1519 disclosure of why the services are necessary; or

1520 b. Is unable to determine for himself or herself whether
1521 services are necessary.

1522 2. The person is unlikely to survive safely in the
1523 community without supervision, based on a clinical
1524 determination.

1525 3. The person has a history of lack of compliance with
1526 treatment for mental illness.

1527 4. In view of the person’s treatment history and current
1528 behavior, the person is in need of involuntary outpatient
1529 services in order to prevent a relapse or deterioration that
1530 would be likely to result in serious bodily harm to himself or
1531 herself or others, or a substantial harm to his or her well-
1532 being as set forth in s. 394.463(1).

1533 5. It is likely that the person will benefit from
1534 involuntary outpatient services.

1535 6. All available less restrictive alternatives that would
1536 offer an opportunity for improvement of the person’s condition
1537 have been deemed to be inappropriate or unavailable.

1538 (b) *Involuntary inpatient placement*.—A person ordered to
1539 involuntary inpatient placement must meet the following
1540 criteria:

1541 1. The person has a mental illness and, because of his or
1542 her mental illness:

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1543 a. He or she has refused voluntary inpatient placement for
1544 treatment after sufficient and conscientious explanation and
1545 disclosure of the purpose of treatment; or

1546 b. Is unable to determine for himself or herself whether
1547 inpatient placement is necessary; and

1548 2.a. He or she is incapable of surviving alone or with the
1549 help of willing, able, and responsible family or friends,
1550 including available alternative services, and, without
1551 treatment, is likely to suffer from neglect or refuse to care
1552 for himself or herself, and such neglect or refusal poses a real
1553 and present threat of substantial harm to his or her well-being;
1554 or

1555 b. Without treatment, there is a substantial likelihood
1556 that in the near future the person will inflict serious bodily
1557 harm on self or others, as evidenced by recent behavior causing,
1558 attempting to cause, or threatening to cause such harm; and

1559 3. All available less restrictive treatment alternatives
1560 that would offer an opportunity for improvement of the person's
1561 condition have been deemed to be inappropriate or unavailable.

1562 (3) RECOMMENDATION FOR INVOLUNTARY SERVICES AND TREATMENT.—
1563 A patient may be recommended for involuntary inpatient
1564 placement, involuntary outpatient services, or a combination of
1565 both.

1566 (a) A patient may be retained by the facility that examined
1567 the patient for involuntary services until the completion of the
1568 patient's court hearing upon the recommendation of the
1569 administrator of the facility where the patient has been
1570 examined and after adherence to the notice and hearing
1571 procedures provided in s. 394.4599. However, if a patient who is

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1572 being recommended for only involuntary outpatient services has
1573 been stabilized and no longer meets the criteria for involuntary
1574 examination pursuant to s. 394.463(1), the patient must be
1575 released from the facility while awaiting the hearing for
1576 involuntary outpatient services.

1577 (b) The recommendation that the involuntary services
1578 criteria reasonably appear to have been met must be supported by
1579 the opinion of a psychiatrist and the second opinion of a
1580 clinical psychologist with at least 3 years of clinical
1581 experience, another psychiatrist, or a psychiatric nurse
1582 practicing within the framework of an established protocol with
1583 a psychiatrist, who personally examined the patient. For
1584 involuntary inpatient placement, the patient must have been
1585 examined within the preceding 72 hours. For involuntary
1586 outpatient services, the patient must have been examined within
1587 the preceding 30 days.

1588 (c) If a psychiatrist, a clinical psychologist with at
1589 least 3 years of clinical experience, or a psychiatric nurse
1590 practicing within the framework of an established protocol with
1591 a psychiatrist is not available to provide a second opinion, the
1592 petitioner must certify as such and the second opinion may be
1593 provided by a licensed physician who has postgraduate training
1594 and experience in diagnosis and treatment of mental illness, a
1595 clinical psychologist with less than 3 years of clinical
1596 experience, or a psychiatric nurse.

1597 (d) Any opinion authorized in this subsection may be
1598 conducted through a face-to-face or in-person examination, or by
1599 electronic means. Recommendations for involuntary services must
1600 be entered on a petition for involuntary services, which shall

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1601 be made a part of the patient's clinical record. The filing of
 1602 the petition authorizes the facility to retain the patient
 1603 pending transfer to a treatment facility or completion of a
 1604 hearing.

1605 (4) PETITION FOR INVOLUNTARY SERVICES.—

1606 (a) A petition for involuntary services may be filed by:

- 1607 1. The administrator of a receiving facility;
- 1608 2. The administrator of a treatment facility; or
- 1609 3. A service provider who is treating the person being
 1610 petitioned.

1611 (b) A petition for involuntary inpatient placement, or
 1612 inpatient placement followed by outpatient services, must be
 1613 filed in the court in the county where the patient is located.

1614 (c) A petition for involuntary outpatient services must be
 1615 filed in the county where the patient is located, unless the
 1616 patient is being placed from a state treatment facility, in
 1617 which case the petition must be filed in the county where the
 1618 patient will reside.

1619 (d)1. The petitioner must state in the petition:

- 1620 a. Whether the petitioner is recommending inpatient
 1621 placement, outpatient services, or both.
- 1622 b. The length of time recommended for each type of
 1623 involuntary services.
- 1624 c. The reasons for the recommendation.

1625 2. If recommending involuntary outpatient services, or a
 1626 combination of involuntary inpatient placement and outpatient
 1627 services, the petitioner must identify the service provider that
 1628 has agreed to provide services for the person under an order for
 1629 involuntary outpatient services, unless he or she is otherwise

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1630 participating in outpatient psychiatric treatment and is not in
 1631 need of public financing for that treatment, in which case the
 1632 individual, if eligible, may be ordered to involuntary treatment
 1633 pursuant to the existing psychiatric treatment relationship.

1634 3. When recommending an order to involuntary outpatient
 1635 services, the petitioner shall prepare a written proposed
 1636 services plan in consultation with the patient or the patient's
 1637 guardian advocate, if appointed, for the court's consideration
 1638 for inclusion in the involuntary outpatient services order that
 1639 addresses the nature and extent of the mental illness and any
 1640 co-occurring substance use disorder that necessitate involuntary
 1641 outpatient services. The services plan must specify the likely
 1642 needed level of care, including the use of medication, and
 1643 anticipated discharge criteria for terminating involuntary
 1644 outpatient services. The services in the plan must be deemed
 1645 clinically appropriate by a physician, clinical psychologist,
 1646 psychiatric nurse, mental health counselor, marriage and family
 1647 therapist, or clinical social worker who consults with, or is
 1648 employed or contracted by, the service provider. If the services
 1649 in the proposed services plan are not available, the petitioner
 1650 may not file the petition. The petitioner must notify the
 1651 managing entity if the requested services are not available. The
 1652 managing entity must document such efforts to obtain the
 1653 requested service. The service provider who accepts the patient
 1654 for involuntary outpatient services is responsible for the
 1655 development of a comprehensive treatment plan.

1656 (e) Each required criterion for the recommended involuntary
 1657 services must be alleged and substantiated in the petition. A
 1658 copy of the recommended services plan, if applicable, must be

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1659 attached to the petition. The court must accept petitions and
1660 other documentation with electronic signatures.

1661 (f) When the petition has been filed, the clerk of the
1662 court shall provide copies of the petition and the recommended
1663 services plan, if applicable, to the department, the managing
1664 entity, the patient, the patient's guardian or representative,
1665 the state attorney, and the public defender or the patient's
1666 private counsel. A fee may not be charged for the filing of a
1667 petition under this subsection.

1668 (5) APPOINTMENT OF COUNSEL.—Within 1 court working day
1669 after the filing of a petition for involuntary services, the
1670 court shall appoint the public defender to represent the person
1671 who is the subject of the petition, unless the person is
1672 otherwise represented by counsel or ineligible. The clerk of the
1673 court shall immediately notify the public defender of such
1674 appointment. The public defender shall represent the person
1675 until the petition is dismissed, the court order expires, the
1676 patient is discharged from involuntary services, or the public
1677 defender is otherwise discharged by the court. Any attorney who
1678 represents the patient shall be provided access to the patient,
1679 witnesses, and records relevant to the presentation of the
1680 patient's case and shall represent the interests of the patient,
1681 regardless of the source of payment to the attorney.

1682 (6) CONTINUANCE OF HEARING.—The patient and the state are
1683 independently entitled to seek a continuance of the hearing. The
1684 patient shall be granted a request for an initial continuance
1685 for up to 7 calendar days. The patient may request additional
1686 continuances for up to 21 calendar days in total, which shall
1687 only be granted by a showing of good cause and due diligence by

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1688 the patient and the patient's counsel before requesting the
1689 continuance. The state may request one continuance of up to 7
1690 calendar days, which shall only be granted by a showing of good
1691 cause and due diligence by the state before requesting the
1692 continuance. The state's failure to timely review any readily
1693 available document or failure to attempt to contact a known
1694 witness does not warrant a continuance.

1695 (7) HEARING ON INVOLUNTARY SERVICES.—

1696 (a)1. The court shall hold a hearing on the involuntary
1697 services petition within 5 court working days after the filing
1698 of the petition, unless a continuance is granted.

1699 2. The court must hold any hearing on involuntary
1700 outpatient services in the county where the petition is filed. A
1701 hearing on involuntary inpatient placement, or a combination of
1702 involuntary inpatient placement and involuntary outpatient
1703 services, must be held in the county or the facility, as
1704 appropriate, where the patient is located, except for good cause
1705 documented in the court file.

1706 3. A hearing on involuntary services must be as convenient
1707 to the patient as is consistent with orderly procedure, and
1708 shall be conducted in physical settings not likely to be
1709 injurious to the patient's condition. If the court finds that
1710 the patient's attendance at the hearing is not consistent with
1711 the best interests of the patient, or the patient knowingly,
1712 intelligently, and voluntarily waives his or her right to be
1713 present, and if the patient's counsel does not object, the court
1714 may waive the attendance of the patient from all or any portion
1715 of the hearing. The state attorney for the circuit in which the
1716 patient is located shall represent the state, rather than the

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1717 petitioner, as the real party in interest in the proceeding. The
 1718 facility or service provider shall make the patient's clinical
 1719 records available to the state attorney and the patient's
 1720 attorney so that the state can evaluate and prepare its case.
 1721 However, these records shall remain confidential, and the state
 1722 attorney may not use any record obtained under this part for
 1723 criminal investigation or prosecution purposes, or for any
 1724 purpose other than the patient's civil commitment under this
 1725 chapter.

1726 (b) The court may appoint a magistrate to preside at the
 1727 hearing. The state attorney and witnesses may remotely attend
 1728 and, as appropriate, testify at the hearing under oath via
 1729 audio-video teleconference. A witness intending to attend
 1730 remotely and testify must provide the parties with all relevant
 1731 documents by the close of business on the day before the
 1732 hearing. One of the professionals who executed the involuntary
 1733 services certificate shall be a witness. The patient and the
 1734 patient's guardian or representative shall be informed by the
 1735 court of the right to an independent expert examination. If the
 1736 patient cannot afford such an examination, the court shall
 1737 ensure that one is provided, as otherwise provided for by law.
 1738 The independent expert's report is confidential and not
 1739 discoverable, unless the expert is to be called as a witness for
 1740 the patient at the hearing. The court shall allow testimony from
 1741 persons, including family members, deemed by the court to be
 1742 relevant under state law, regarding the person's prior history
 1743 and how that prior history relates to the person's current
 1744 condition. The testimony in the hearing must be given under
 1745 oath, and the proceedings must be recorded. The patient may

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1746 refuse to testify at the hearing.

1747 (c) At the hearing, the court shall consider testimony and
 1748 evidence regarding the patient's competence to consent to
 1749 services and treatment. If the court finds that the patient is
 1750 incompetent to consent to treatment, it must appoint a guardian
 1751 advocate as provided in s. 394.4598.

1752 (8) ORDERS OF THE COURT.—

1753 (a)1. If the court concludes that the patient meets the
 1754 criteria for involuntary services, the court may order a patient
 1755 to involuntary inpatient placement, involuntary outpatient
 1756 services, or a combination of involuntary services depending on
 1757 the criteria met and which type of involuntary services best
 1758 meet the needs of the patient. However, if the court orders the
 1759 patient to involuntary outpatient services, the court may not
 1760 order the department or the service provider to provide services
 1761 if the program or service is not available in the patient's
 1762 local community, if there is no space available in the program
 1763 or service for the patient, or if funding is not available for
 1764 the program or service. The petitioner must notify the managing
 1765 entity if the requested services are not available. The managing
 1766 entity must document such efforts to obtain the requested
 1767 services. A copy of the order must be sent to the managing
 1768 entity by the service provider within 1 working day after it is
 1769 received from the court.

1770 2. The order must specify the nature and extent of the
 1771 patient's mental illness and the reasons the appropriate
 1772 involuntary services criteria are satisfied.

1773 3. An order for only involuntary outpatient services,
 1774 involuntary inpatient placement, or of a combination of

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1775 involuntary services may be for a period of up to 6 months.

1776 4. An order for a combination of involuntary services must
1777 specify the length of time the patient shall be ordered for
1778 involuntary inpatient placement and involuntary outpatient
1779 services.

1780 5. The order of the court and the patient's services plan,
1781 if applicable, must be made part of the patient's clinical
1782 record.

1783 (b) If the court orders a patient into involuntary
1784 inpatient placement, the court may order that the patient be
1785 retained at a receiving facility while awaiting transfer
1786 ~~transferred~~ to a treatment facility; or, if the patient is at a
1787 treatment facility, that the patient be retained there or be
1788 treated at any other appropriate facility; or that the patient
1789 receive services on an involuntary basis for up to 6 months. The
1790 court may not order an individual with a developmental
1791 disability as defined in s. 393.063 or a traumatic brain injury
1792 or dementia who lacks a co-occurring mental illness to be
1793 involuntarily placed in a state treatment facility.

1794 (c) If at any time before the conclusion of a hearing on
1795 involuntary services, it appears to the court that the patient
1796 instead meets the criteria for involuntary admission or
1797 treatment pursuant to s. 397.675, then the court may order the
1798 person to be admitted for involuntary assessment pursuant to s.
1799 397.6757. Thereafter, all proceedings are governed by chapter
1800 397.

1801 (d) The administrator of the petitioning facility or the
1802 designated department representative shall provide a copy of the
1803 court order and adequate documentation of a patient's mental

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1804 illness to the service provider for involuntary outpatient
1805 services or the administrator of a treatment facility if the
1806 patient is ordered for involuntary inpatient placement. The
1807 documentation must include any advance directives made by the
1808 patient, a psychiatric evaluation of the patient, and any
1809 evaluations of the patient performed by a psychiatric nurse, a
1810 clinical psychologist, a marriage and family therapist, a mental
1811 health counselor, or a clinical social worker. The administrator
1812 of a treatment facility may refuse admission to any patient
1813 directed to its facilities on an involuntary basis, whether by
1814 civil or criminal court order, who is not accompanied by
1815 adequate orders and documentation.

1816 (e) In cases resulting in an order for involuntary
1817 outpatient services, the court shall retain jurisdiction over
1818 the case and the parties for entry of further orders as
1819 circumstances may require, including, but not limited to,
1820 monitoring compliance with treatment or ordering inpatient
1821 treatment to stabilize a person who decompensates while under
1822 court-ordered outpatient treatment and meets the commitment
1823 criteria of this section.

1824 (9) SERVICES PLAN MODIFICATION.—After the order for
1825 involuntary outpatient services is issued, the service provider
1826 and the patient may modify the services plan as provided by
1827 department rule.

1828 (10) NONCOMPLIANCE WITH INVOLUNTARY OUTPATIENT SERVICES.—

1829 (a) If, in the clinical judgment of a physician, a
1830 psychiatrist, a clinical psychologist with at least 3 years of
1831 clinical experience, or a psychiatric nurse practicing within
1832 the framework of an established protocol with a psychiatrist, a

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1833 patient receiving involuntary outpatient services has failed or
 1834 has refused to comply with the services plan ordered by the
 1835 court, and efforts were made to solicit compliance, the service
 1836 provider must report such noncompliance to the court. The
 1837 involuntary outpatient services order shall remain in effect
 1838 unless the service provider determines that the patient no
 1839 longer meets the criteria for involuntary outpatient services or
 1840 until the order expires. The service provider must determine
 1841 whether modifications should be made to the existing services
 1842 plan and must attempt to continue to engage the patient in
 1843 treatment. For any material modification of the services plan to
 1844 which the patient or the patient's guardian advocate, if
 1845 applicable, agrees, the service provider shall send notice of
 1846 the modification to the court. Any material modifications of the
 1847 services plan which are contested by the patient or the
 1848 patient's guardian advocate, if applicable, must be approved or
 1849 disapproved by the court.

1850 (b) A county court may not use incarceration as a sanction
 1851 for noncompliance with the services plan, but it may order an
 1852 individual evaluated for possible inpatient placement if there
 1853 is significant, or are multiple instances of, noncompliance.

1854 (11) PROCEDURE FOR CONTINUED INVOLUNTARY SERVICES.—

1855 (a) A petition for continued involuntary services must be
 1856 filed if the patient continues to meets the criteria for
 1857 involuntary services.

1858 (b)1. If a patient receiving involuntary outpatient
 1859 services continues to meet the criteria for involuntary
 1860 outpatient services, the service provider must file in the court
 1861 that issued the initial order for involuntary outpatient

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1862 services a petition for continued involuntary outpatient
 1863 services.

1864 2. If a patient in involuntary inpatient placement
 1865 continues to meet the criteria for involuntary services and is
 1866 being treated at a receiving facility, the administrator must,
 1867 before the expiration of the period the receiving facility is
 1868 authorized to retain the patient, file in the court that issued
 1869 the initial order for involuntary inpatient placement, a
 1870 petition requesting authorization for continued involuntary
 1871 services. The administrator may petition for inpatient or
 1872 outpatient services.

1873 3. If a patient in inpatient placement continues to meet
 1874 the criteria for involuntary services and is being treated at a
 1875 treatment facility, the administrator must, before expiration of
 1876 the period the treatment facility is authorized to retain the
 1877 patient, file a petition requesting authorization for continued
 1878 involuntary services. The administrator may petition for
 1879 inpatient or outpatient services. Hearings on petitions for
 1880 continued involuntary services of an individual placed at any
 1881 treatment facility are administrative hearings and must be
 1882 conducted in accordance with s. 120.57(1), except that any order
 1883 entered by the judge is final and subject to judicial review in
 1884 accordance with s. 120.68. Orders concerning patients committed
 1885 after successfully pleading not guilty by reason of insanity are
 1886 governed by s. 916.15.

1887 4. The court shall immediately schedule a hearing on the
 1888 petition to be held within 15 days after the petition is filed.

1889 5. The existing involuntary services order shall remain in
 1890 effect until disposition on the petition for continued

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1891 involuntary services.

1892 (c) The petition must be accompanied by a statement from
 1893 the patient's physician, psychiatrist, psychiatric nurse, or
 1894 clinical psychologist justifying the request, a brief
 1895 description of the patient's treatment during the time he or she
 1896 was receiving involuntary services, and an individualized plan
 1897 of continued treatment developed in consultation with the
 1898 patient or the patient's guardian advocate, if applicable. If
 1899 the petition is for involuntary outpatient services, it must
 1900 comply with the requirements of subparagraph (4)(d)3. When the
 1901 petition has been filed, the clerk of the court shall provide
 1902 copies of the petition and the individualized plan of continued
 1903 services to the department, the patient, the patient's guardian
 1904 advocate, the state attorney, and the patient's private counsel
 1905 or the public defender.

1906 (d) The court shall appoint counsel to represent the person
 1907 who is the subject of the petition for continued involuntary
 1908 services in accordance with ~~the~~ provisions set forth in
 1909 subsection (5), unless the person is otherwise represented by
 1910 counsel or ineligible.

1911 (e) Hearings on petitions for continued involuntary
 1912 outpatient services must be before the court that issued the
 1913 order for involuntary outpatient services. However, the patient
 1914 and the patient's attorney may agree to a period of continued
 1915 outpatient services without a court hearing.

1916 (f) Hearings on petitions for continued involuntary
 1917 inpatient placement in receiving facilities, or involuntary
 1918 outpatient services following involuntary inpatient services,
 1919 must be held in the county or the facility, as appropriate,

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1920 where the patient is located.

1921 (g) The court may appoint a magistrate to preside at the
 1922 hearing. The procedures for obtaining an order pursuant to this
 1923 paragraph must meet the requirements of subsection (7).

1924 (h) Notice of the hearing must be provided as set forth in
 1925 s. 394.4599.

1926 (i) If a patient's attendance at the hearing is voluntarily
 1927 waived, the judge must determine that the patient knowingly,
 1928 intelligently, and voluntarily waived his or her right to be
 1929 present, before waiving the presence of the patient from all or
 1930 a portion of the hearing. Alternatively, if at the hearing the
 1931 judge finds that attendance at the hearing is not consistent
 1932 with the best interests of the patient, the judge may waive the
 1933 presence of the patient from all or any portion of the hearing,
 1934 unless the patient, through counsel, objects to the waiver of
 1935 presence. The testimony in the hearing must be under oath, and
 1936 the proceedings must be recorded.

1937 (j) If at a hearing it is shown that the patient continues
 1938 to meet the criteria for involuntary services, the court shall
 1939 issue an order for continued involuntary outpatient services,
 1940 involuntary inpatient placement, or a combination of involuntary
 1941 services for up to 6 months. The same procedure shall be
 1942 repeated before the expiration of each additional period the
 1943 patient is retained.

1944 (k) If the patient has been ordered to undergo involuntary
 1945 services and has previously been found incompetent to consent to
 1946 treatment, the court shall consider testimony and evidence
 1947 regarding the patient's competence. If the patient's competency
 1948 to consent to treatment is restored, the discharge of the

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1949 guardian advocate is governed by s. 394.4598. If the patient has
 1950 been ordered to undergo involuntary inpatient placement only and
 1951 the patient's competency to consent to treatment is restored,
 1952 the administrative law judge may issue a recommended order, to
 1953 the court that found the patient incompetent to consent to
 1954 treatment, that the patient's competence be restored and that
 1955 any guardian advocate previously appointed be discharged.

1956 (1) If continued involuntary inpatient placement is
 1957 necessary for a patient in involuntary inpatient placement who
 1958 was admitted while serving a criminal sentence, but his or her
 1959 sentence is about to expire, or for a minor involuntarily
 1960 placed, but who is about to reach the age of 18, the
 1961 administrator shall petition the administrative law judge for an
 1962 order authorizing continued involuntary inpatient placement.

1963
 1964 The procedure required in this subsection must be followed
 1965 before the expiration of each additional period the patient is
 1966 involuntarily receiving services.

1967 (12) RETURN TO FACILITY.—If a patient has been ordered to
 1968 undergo involuntary inpatient placement at a receiving or
 1969 treatment facility under this part and leaves the facility
 1970 without the administrator's authorization, the administrator may
 1971 authorize a search for the patient and his or her return to the
 1972 facility. The administrator may request the assistance of a law
 1973 enforcement agency in this regard.

1974 (13) DISCHARGE.—The patient shall be discharged upon
 1975 expiration of the court order or at any time the patient no
 1976 longer meets the criteria for involuntary services, unless the
 1977 patient has transferred to voluntary status. Upon discharge, the

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1978 service provider or facility shall send a certificate of
 1979 discharge to the court.

1980 Reviser's note.—Reenacted to conform to the fact that s. 11, ch.

1981 2024-245, Laws of Florida, purported to amend s. 394.467
 1982 but did not publish paragraphs (7)(f) and (g), which were
 1983 intended to be stricken. Similar material now appears in
 1984 paragraph (11)(k). Paragraph (1)(a) is amended to conform
 1985 to the fact that s. 394.4655(1) defines "involuntary
 1986 outpatient placement" as "involuntary outpatient services
 1987 as defined in s. 394.467," and s. 394.467(1)(c)
 1988 specifically defines "involuntary outpatient services."
 1989 Paragraph (8)(b) is amended to confirm an editorial
 1990 deletion to correct a drafting error. Paragraph (11)(d) is
 1991 amended to confirm an editorial substitution to conform to
 1992 context.

1993 Section 38. Subsection (2) of section 394.468, Florida
 1994 Statutes, is amended to read:

1995 394.468 Admission and discharge procedures.—

1996 (2) Discharge planning and procedures for any patient's
 1997 release from a receiving facility or treatment facility must
 1998 include and document the patient's needs, and actions to address
 1999 such needs, for, at a minimum:

2000 (a) Follow-up behavioral health appointments;

2001 (b) Information on how to obtain prescribed medications;

2002 ~~and~~

2003 (c) Information pertaining to:

2004 1. Available living arrangements;†

2005 2. Transportation; and

2006 (d) Referral to:

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2007 1. Care coordination services. The patient must be referred
 2008 for care coordination services if the patient meets the criteria
 2009 as a member of a priority population as determined by the
 2010 department under s. 394.9082(3)(c) and is in need of such
 2011 services.

2012 2. Recovery support opportunities under s. 394.4573(2)(1),
 2013 including, but not limited to, connection to a peer specialist.

2014 Reviser's note.—Amended to conform to statutes formatting.

2015 Section 39. Paragraph (a) of subsection (2) of section
 2016 395.901, Florida Statutes, is amended to read:

2017 395.901 Definitions; legislative findings and intent.—

2018 (2) LEGISLATIVE FINDINGS AND INTENT.—

2019 (a) The Legislature finds that there is a critical shortage
 2020 of behavioral health professionals and recognizes the urgent
 2021 need to expand the existing behavioral health workforce, prepare
 2022 for an aging workforce, incentivize entry into behavioral health
 2023 professions, and train a modernized workforce in innovative and
 2024 integrated care.

2025 Reviser's note.—Amended to confirm an editorial insertion to
 2026 conform to language elsewhere in the section.

2027 Section 40. Subsection (3) of section 397.68141, Florida
 2028 Statutes, is amended to read:

2029 397.68141 Contents of petition for involuntary treatment
 2030 services.—A petition for involuntary services must contain the
 2031 name of the respondent; the name of the petitioner; the
 2032 relationship between the respondent and the petitioner; the name
 2033 of the respondent's attorney, if known; and the factual
 2034 allegations presented by the petitioner establishing the need
 2035 for involuntary services for substance abuse impairment.

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2036 (3) If there is an emergency, the petition must also
 2037 describe the respondent's exigent circumstances and include a
 2038 request for an ex parte assessment and stabilization order that
 2039 must be executed pursuant to s. 397.6818 ~~397.68151~~.

2040 Reviser's note.—Amended to conform to the fact that s. 397.68151
 2041 relates to duties of the court upon filing of a petition
 2042 for involuntary services; execution of court orders for
 2043 involuntary assessment and stabilization are referenced in
 2044 s. 397.6818.

2045 Section 41. Subsection (7) of section 403.031, Florida
 2046 Statutes, is amended to read:

2047 403.031 Definitions.—In construing this chapter, or rules
 2048 and regulations adopted pursuant hereto, the following words,
 2049 phrases, or terms, unless the context otherwise indicates, have
 2050 the following meanings:

2051 (7) "Nutrient or nutrient-related standards" means water
 2052 quality standards and criteria established for total nitrogen
 2053 and total phosphorus ~~phosphorous~~, or their organic or inorganic
 2054 forms; biological variables, such as chlorophyll a, biomass, or
 2055 the structure of the phytoplankton, periphyton, or vascular
 2056 plant community, that respond to a nutrient load or
 2057 concentration in a predictable and measurable manner; or
 2058 dissolved oxygen if it is demonstrated for the waterbody that
 2059 dissolved oxygen conditions result in a biological imbalance and
 2060 the dissolved oxygen responds to a nutrient load or
 2061 concentration in a predictable and measurable manner.

2062 Reviser's note.—Amended to confirm an editorial substitution to
 2063 conform to context.

2064 Section 42. Paragraph (c) of subsection (1) of section

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2065 403.086, Florida Statutes, is amended to read:

2066 403.086 Sewage disposal facilities; advanced and secondary
2067 waste treatment.—

2068 (1)

2069 (c)1. Notwithstanding this chapter or chapter 373, sewage
2070 disposal facilities may not dispose any wastes into the
2071 following waters without providing advanced waste treatment, as
2072 defined in subsection (4), as approved by the department or a
2073 more stringent treatment standard if the department determines
2074 the more stringent standard is necessary to achieve the total
2075 maximum daily load or applicable water quality criteria:

2076 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
2077 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
2078 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
2079 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
2080 sound, or other water tributary thereto.

2081 b. Beginning July 1, 2025, Indian River Lagoon, or any
2082 river, stream, channel, canal, bay, bayou, sound, or other water
2083 tributary thereto.

2084 c. By January 1, 2033, waterbodies that are currently not
2085 attaining nutrient or nutrient-related standards or that are
2086 subject to a nutrient or nutrient-related basin management
2087 action plan adopted pursuant to s. 403.067 or adopted reasonable
2088 assurance plan.

2089 2. For any waterbody determined not to be attaining
2090 nutrient or nutrient-related standards after July 1, 2023, or
2091 subject to a nutrient or nutrient-related basin management
2092 action plan adopted pursuant to s. 403.067 or adopted reasonable
2093 assurance plan after July 1, 2023, sewage disposal facilities

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2094 are prohibited from disposing any wastes into such waters
2095 without providing advanced waste treatment, as defined in
2096 subsection (4), as approved by the department within 10 years
2097 after such determination or adoption.

2098 3. By July 1, 2034, any wastewater treatment facility
2099 providing reclaimed water that will be used for commercial or
2100 residential irrigation or be otherwise land applied within a
2101 nutrient basin management action plan or a reasonable assurance
2102 plan area must meet the advanced waste treatment standards for
2103 total nitrogen and total ~~phosphorus~~ phosphorous as defined in
2104 paragraph (4) (a) if the department has determined in an
2105 applicable basin management action plan or reasonable assurance
2106 plan that the use of reclaimed water as described in this
2107 subparagraph is causing or contributing to the nutrient
2108 impairment being addressed in such plan. For such department
2109 determinations made in a nutrient basin management action plan
2110 or reasonable assurance plan after July 1, 2024, an applicable
2111 wastewater treatment facility must meet the requisite advanced
2112 waste treatment standards described in this subparagraph within
2113 10 years after such determination. This subparagraph does not
2114 prevent the department from requiring an alternative treatment
2115 standard, including a more stringent treatment standard, if the
2116 department determines the alternative standard is necessary to
2117 achieve the total maximum daily load or applicable water quality
2118 criteria. This subparagraph does not apply to reclaimed water
2119 that is otherwise land applied as part of a water quality
2120 restoration project or water resource development project
2121 approved by the department or water management district to meet
2122 a total maximum daily load or minimum flow or level and where

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2123 such reclaimed water will be at or below the advanced waste
 2124 treatment standards described above prior to entering
 2125 groundwater or surface water.

2126 Reviser's note.—Amended to confirm an editorial substitution to
 2127 conform to context.

2128 Section 43. Paragraph (a) of subsection (3) of section
 2129 403.121, Florida Statutes, is amended to read:

2130 403.121 Enforcement; procedure; remedies.—The department
 2131 shall have the following judicial and administrative remedies
 2132 available to it for violations of this chapter, as specified in
 2133 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for
 2134 purposes of onsite sewage treatment and disposal systems, part
 2135 III of chapter 489, or any rule promulgated thereunder.

2136 (3) Except for violations involving hazardous wastes,
 2137 asbestos, or underground injection, administrative penalties
 2138 must be calculated according to the following schedule:

2139 (a) For a drinking water contamination violation, the
 2140 department shall assess a penalty of \$3,000 for a Maximum
 2141 Contaminant ~~Containment~~ Level (MCL) violation; plus \$1,500 if
 2142 the violation is for a primary inorganic, organic, or
 2143 radiological Maximum Contaminant Level or it is a fecal coliform
 2144 bacteria violation; plus \$1,500 if the violation occurs at a
 2145 community water system; and plus \$1,500 if any Maximum
 2146 Contaminant Level is exceeded by more than 100 percent. For
 2147 failure to obtain a clearance letter before placing a drinking
 2148 water system into service when the system would not have been
 2149 eligible for clearance, the department shall assess a penalty of
 2150 \$4,500.

2151 Reviser's note.—Amended to confirm an editorial substitution to

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2152 conform to context.

2153 Section 44. Subsection (5) of section 408.051, Florida
 2154 Statutes, is amended to read:

2155 408.051 Florida Electronic Health Records Exchange Act.—
 2156 (5) HOSPITAL DATA.—A hospital as defined in s. 395.002(12)
 2157 which maintains certified electronic health record technology
 2158 must make available admission ~~admit~~, transfer, and discharge
 2159 data to the agency's Florida Health Information Exchange program
 2160 for the purpose of supporting public health data registries and
 2161 patient care coordination. The agency may adopt rules to
 2162 implement this subsection.

2163 Reviser's note.—Amended to improve clarity and facilitate
 2164 correct interpretation.

2165 Section 45. Paragraph (d) of subsection (9) of section
 2166 409.909, Florida Statutes, is amended to read:

2167 409.909 Statewide Medicaid Residency Program.—
 2168 (9) The Graduate Medical Education Committee is created
 2169 within the agency.

2170 (d) The committee shall convene its first meeting by July
 2171 1, 2024, and shall meet as often as necessary to conduct its
 2172 business, but at least twice annually, at the call of the chair.
 2173 The committee may conduct its meetings through ~~though~~
 2174 teleconference or other electronic means. A majority of the
 2175 members of the committee constitutes a quorum, and a meeting may
 2176 not be held with less than a quorum present. The affirmative
 2177 vote of a majority of the members of the committee present is
 2178 necessary for any official action by the committee.

2179 Reviser's note.—Amended to confirm an editorial substitution to
 2180 conform to context.

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2181 Section 46. Paragraph (j) of subsection (1) of section
 2182 409.988, Florida Statutes, is amended to read:
 2183 409.988 Community-based care lead agency duties; general
 2184 provisions.—
 2185 (1) DUTIES.—A lead agency:
 2186 (j)1. May subcontract for the provision of services,
 2187 excluding subcontracts with a related party for officer-level or
 2188 director-level staffing to perform management functions,
 2189 required by the contract with the lead agency and the
 2190 department; however, the subcontracts must specify how the
 2191 provider will contribute to the lead agency meeting the
 2192 performance standards established pursuant to the child welfare
 2193 results-oriented accountability system required by s. 409.997.
 2194 Any contract with an unrelated entity for officer-level or
 2195 director-level staffing to perform management functions must
 2196 adhere to the executive compensation provision in s. 409.992(3).
 2197 2. Shall directly provide no more than 35 percent of all
 2198 child welfare services provided unless it can demonstrate a need
 2199 within the lead agency's geographic service area where there is
 2200 a lack of qualified providers available to perform necessary
 2201 services. The approval period for an exemption to exceed the 35
 2202 percent threshold is limited to 2 years. To receive approval,
 2203 the lead agency must create and submit to the department through
 2204 the lead agency's local community alliance a detailed report of
 2205 all efforts to recruit a qualified provider to perform the
 2206 necessary services in that geographic service area. The local
 2207 community alliance in the geographic service area in which the
 2208 lead agency is seeking to exceed the threshold shall review the
 2209 lead agency's justification for need and recommend to the

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2210 department whether the department should approve or deny the
 2211 lead agency's request for an exemption from the services
 2212 threshold. If there is not a community alliance operating in the
 2213 geographic service area in which the lead agency is seeking to
 2214 exceed the threshold, such review and recommendation shall be
 2215 made by representatives of local stakeholders, including at
 2216 least one representative from each of the following:
 2217 a. The department.
 2218 b. The county government.
 2219 c. The school district.
 2220 d. The county United Way.
 2221 e. The county sheriff's office.
 2222 f. The circuit court corresponding to the county.
 2223 g. The county children's board, if one exists.
 2224

2225 The lead agency may request a renewal of the exemption allowing
 2226 the lead agency to directly provide child welfare services by
 2227 following the process outlined in this subparagraph. The
 2228 approval period for an exemption renewal is limited to 2 years.
 2229 If, after the expiration of the exemption, the department
 2230 determines the lead agency is not making a good faith effort to
 2231 recruit a qualified provider, the department may deny the
 2232 renewal request and require reprocurement.

2233 3. Shall, upon the department approving any exemption that
 2234 allows a lead agency to directly provide more than 40 percent of
 2235 all child welfare services provided, be required by the
 2236 department to undergo an operational audit by the Auditor
 2237 General to examine the lead agency's procurement of and
 2238 financial arrangements for providing such services. ~~Upon~~

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2239 ~~approving any exemption that allows a lead agency to directly~~
 2240 ~~provide more than 40 percent of all child welfare services~~
 2241 ~~provided, the department shall require the lead agency to~~
 2242 ~~undergo an operational audit by the Auditor General to examine~~
 2243 ~~the lead agency's procurement of and financial arrangements for~~
 2244 ~~providing such services.~~ The audit shall, at a minimum, examine
 2245 the costs incurred and any payments made by the lead agency to
 2246 itself for services directly provided by the lead agency
 2247 compared to any procurement solicitations by the lead agency,
 2248 and assess the adequacy of the efforts to obtain services from
 2249 subcontractors and the resulting cost and cost-effectiveness of
 2250 the services provided directly by the lead agency. The Auditor
 2251 General shall conduct such audits upon notification by the
 2252 department.

2253 Reviser's note.—Amended to confirm an editorial substitution to
 2254 conform to the introductory text of subsection (1) and to
 2255 provide contextual consistency with the other subunits
 2256 within that subsection.

2257 Section 47. Paragraph (a) of subsection (3) of section
 2258 420.606, Florida Statutes, is amended to read:

2259 420.606 Training and technical assistance program.—

2260 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The
 2261 Department of Commerce shall be responsible for securing the
 2262 necessary expertise to provide training and technical assistance
 2263 to:

2264 (a) Staff of local governments; ~~te~~ staff of state agencies,
 2265 as appropriate; ~~te~~ community-based organizations; and ~~te~~ persons
 2266 forming such organizations, which are formed for the purpose of
 2267 developing new housing and rehabilitating existing housing that

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2268 is affordable for very-low-income persons, low-income persons,
 2269 and moderate-income persons.

2270 1. The training component of the program shall be designed
 2271 to build the housing development capacity of community-based
 2272 organizations and local governments as a permanent resource for
 2273 the benefit of communities in this state.

2274 a. The scope of training must include, but need not be
 2275 limited to, real estate development skills related to affordable
 2276 housing, including the construction process and property
 2277 management and disposition, the development of public-private
 2278 partnerships to reduce housing costs, model housing projects,
 2279 and management and board responsibilities of community-based
 2280 organizations.

2281 b. Training activities may include, but are not limited to,
 2282 materials for self-instruction, workshops, seminars,
 2283 internships, coursework, and special programs developed in
 2284 conjunction with state universities and community colleges.

2285 2. The technical assistance component of the program shall
 2286 be designed to assist applicants for state-administered programs
 2287 in developing applications and in expediting project
 2288 implementation. Technical assistance activities for the staffs
 2289 of community-based organizations and local governments who are
 2290 directly involved in the production of affordable housing may
 2291 include, but are not limited to, workshops for program
 2292 applicants, onsite visits, guidance in achieving project
 2293 completion, and a newsletter to community-based organizations
 2294 and local governments.

2295 Reviser's note.—Amended to eliminate redundancy.

2296 Section 48. Paragraph (b) of subsection (4) of section

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2297 420.6241, Florida Statutes, is amended to read:
 2298 420.6241 Persons with lived experience.—
 2299 (4) BACKGROUND SCREENING.—
 2300 (b) The background screening conducted under this
 2301 subsection must ensure that the qualified applicant has not been
 2302 arrested for and is not awaiting final disposition of, has not
 2303 been found guilty of, regardless of adjudication, or entered a
 2304 plea of nolo contendere or guilty to, or has not been
 2305 adjudicated delinquent and the record has been sealed or
 2306 expunged for, any offense prohibited under any of the following
 2307 state laws or similar laws of another jurisdiction:
 2308 1. Section 393.135, relating to sexual misconduct with
 2309 certain developmentally disabled clients and reporting of such
 2310 sexual misconduct.
 2311 2. Section 394.4593, relating to sexual misconduct with
 2312 certain mental health patients and reporting of such sexual
 2313 misconduct.
 2314 3. Section 409.920, relating to Medicaid provider fraud, if
 2315 the offense is a felony of the first or second degree.
 2316 4. Section 415.111, relating to criminal penalties for
 2317 abuse, neglect, or exploitation of vulnerable adults.
 2318 5. Any offense that constitutes domestic violence, as
 2319 defined in s. 741.28.
 2320 6. Section 777.04, relating to attempts, solicitation, and
 2321 conspiracy to commit an offense listed in this paragraph.
 2322 7. Section 782.04, relating to murder.
 2323 8. Section 782.07, relating to manslaughter, aggravated
 2324 manslaughter of an elderly person or a disabled adult,
 2325 aggravated manslaughter of a child, or aggravated manslaughter

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2326 of an officer, a firefighter, an emergency medical technician,
 2327 or a paramedic.
 2328 9. Section 782.071, relating to vehicular homicide.
 2329 10. Section 782.09, relating to killing of an unborn child
 2330 by injury to the mother.
 2331 11. Chapter 784, relating to assault, battery, and culpable
 2332 negligence, if the offense is a felony.
 2333 12. Section 787.01, relating to kidnapping.
 2334 13. Section 787.02, relating to false imprisonment.
 2335 14. Section 787.025, relating to luring or enticing a
 2336 child.
 2337 15. Section 787.04(2), relating to leading, taking,
 2338 enticing, or removing a minor beyond the state limits, or
 2339 concealing the location of a minor, with criminal intent pending
 2340 custody proceedings.
 2341 16. Section 787.04(3), relating to leading, taking,
 2342 enticing, or removing a minor beyond the state limits, or
 2343 concealing the location of a minor, with criminal intent pending
 2344 dependency proceedings or proceedings concerning alleged abuse
 2345 or neglect of a minor.
 2346 17. Section 790.115(1), relating to exhibiting firearms or
 2347 weapons within 1,000 feet of a school.
 2348 18. Section 790.115(2)(b), relating to possessing an
 2349 electric weapon or device, a destructive device, or any other
 2350 weapon on school property.
 2351 19. Section 794.011, relating to sexual battery.
 2352 20. Former s. 794.041, relating to prohibited acts of
 2353 persons in familial or custodial authority.
 2354 21. Section 794.05, relating to unlawful sexual activity

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2355 with certain minors.

2356 22. Section 794.08, relating to female genital mutilation.

2357 23. Section 796.07, relating to procuring another to commit

2358 prostitution, except for those offenses expunged pursuant to s.

2359 943.0583.

2360 24. Section 798.02, relating to lewd and lascivious

2361 behavior.

2362 25. Chapter 800, relating to lewdness and indecent

2363 exposure.

2364 26. Section 806.01, relating to arson.

2365 27. Section 810.02, relating to burglary, if the offense is

2366 a felony of the first degree.

2367 28. Section 810.14, relating to voyeurism, if the offense

2368 is a felony.

2369 29. Section 810.145, relating to digital ~~vide~~ voyeurism,

2370 if the offense is a felony.

2371 30. Section 812.13, relating to robbery.

2372 31. Section 812.131, relating to robbery by sudden

2373 snatching.

2374 32. Section 812.133, relating to carjacking.

2375 33. Section 812.135, relating to home-invasion robbery.

2376 34. Section 817.034, relating to communications fraud, if

2377 the offense is a felony of the first degree.

2378 35. Section 817.234, relating to false and fraudulent

2379 insurance claims, if the offense is a felony of the first or

2380 second degree.

2381 36. Section 817.50, relating to fraudulently obtaining

2382 goods or services from a health care provider and false reports

2383 of a communicable disease.

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2384 37. Section 817.505, relating to patient brokering.

2385 38. Section 817.568, relating to fraudulent use of personal

2386 identification, if the offense is a felony of the first or

2387 second degree.

2388 39. Section 825.102, relating to abuse, aggravated abuse,

2389 or neglect of an elderly person or a disabled adult.

2390 40. Section 825.1025, relating to lewd or lascivious

2391 offenses committed upon or in the presence of an elderly person

2392 or a disabled person.

2393 41. Section 825.103, relating to exploitation of an elderly

2394 person or a disabled adult, if the offense is a felony.

2395 42. Section 826.04, relating to incest.

2396 43. Section 827.03, relating to child abuse, aggravated

2397 child abuse, or neglect of a child.

2398 44. Section 827.04, relating to contributing to the

2399 delinquency or dependency of a child.

2400 45. Former s. 827.05, relating to negligent treatment of

2401 children.

2402 46. Section 827.071, relating to sexual performance by a

2403 child.

2404 47. Section 831.30, relating to fraud in obtaining

2405 medicinal drugs.

2406 48. Section 831.31, relating to the sale, manufacture,

2407 delivery, or possession with intent to sell, manufacture, or

2408 deliver any counterfeit controlled substance, if the offense is

2409 a felony.

2410 49. Section 843.01, relating to resisting arrest with

2411 violence.

2412 50. Section 843.025, relating to depriving a law

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2413 enforcement, correctional, or correctional probation officer of
 2414 the means of protection or communication.

2415 51. Section 843.12, relating to aiding in an escape.

2416 52. Section 843.13, relating to aiding in the escape of
 2417 juvenile inmates of correctional institutions.

2418 53. Chapter 847, relating to obscenity.

2419 54. Section 874.05, relating to encouraging or recruiting
 2420 another to join a criminal gang.

2421 55. Chapter 893, relating to drug abuse prevention and
 2422 control, if the offense is a felony of the second degree or
 2423 greater severity.

2424 56. Section 895.03, relating to racketeering and collection
 2425 of unlawful debts.

2426 57. Section 896.101, relating to the Florida Money
 2427 Laundering Act.

2428 58. Section 916.1075, relating to sexual misconduct with
 2429 certain forensic clients and reporting of such sexual
 2430 misconduct.

2431 59. Section 944.35(3), relating to inflicting cruel or
 2432 inhuman treatment on an inmate, resulting in great bodily harm.

2433 60. Section 944.40, relating to escape.

2434 61. Section 944.46, relating to harboring, concealing, or
 2435 aiding an escaped prisoner.

2436 62. Section 944.47, relating to introduction of contraband
 2437 into a correctional institution.

2438 63. Section 985.701, relating to sexual misconduct in
 2439 juvenile justice programs.

2440 64. Section 985.711, relating to introduction of contraband
 2441 into a detention facility.

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2442 Reviser's note.—Amended to conform to the amendment of s.
 2443 810.145 by s. 1, ch. 2024-132, Laws of Florida, which
 2444 redesignated the offense of "video voyeurism" as "digital
 2445 voyeurism."

2446 Section 49. Paragraph (c) of subsection (2) of section
 2447 456.0145, Florida Statutes, is amended to read:
 2448 456.0145 Mobile Opportunity by Interstate Licensure
 2449 Endorsement (MOBILE) Act.—

2450 (2) LICENSURE BY ENDORSEMENT.—

2451 (c) A person is ineligible for a license under this section
 2452 if ~~the~~ he or she:

2453 1. Has a complaint, an allegation, or an investigation
 2454 pending before a licensing entity in another state, the District
 2455 of Columbia, or a possession or territory of the United States;
 2456 2. Has been convicted of or pled nolo contendere to,
 2457 regardless of adjudication, any felony or misdemeanor related to
 2458 the practice of a health care profession;

2459 3. Has had a health care provider license revoked or
 2460 suspended by another state, the District of Columbia, or a
 2461 territory of the United States, or has voluntarily surrendered
 2462 any such license in lieu of having disciplinary action taken
 2463 against the license; or

2464 4. Has been reported to the National Practitioner Data
 2465 Bank, unless the applicant has successfully appealed to have his
 2466 or her name removed from the data bank.

2467 Reviser's note.—Amended to confirm an editorial deletion to
 2468 facilitate correct interpretation.

2469 Section 50. Section 7 of section 456.4501, Florida
 2470 Statutes, is amended to read:

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2471 456.4501 Interstate Medical Licensure Compact.—The
 2472 Interstate Medical Licensure Compact is hereby enacted into law
 2473 and entered into by this state with all other jurisdictions
 2474 legally joining therein in the form substantially as follows:

2475
 2476 SECTION 7
 2477 COORDINATED INFORMATION SYSTEM

2478
 2479 (1) The Interstate Commission shall establish a database of
 2480 all physicians licensed, or who have applied for licensure,
 2481 under Section 5.

2482 (2) Notwithstanding any other provision of law, member
 2483 boards shall report to the Interstate Commission any public
 2484 action or complaints against a licensed physician who has
 2485 applied for or received an expedited license through the
 2486 compact.

2487 (3) Member boards shall report to the Interstate Commission
 2488 disciplinary or investigatory information determined as
 2489 necessary and proper by rule of the Interstate Commission.

2490 (4) Member boards may report to the Interstate Commission
 2491 any nonpublic complaint, disciplinary, or investigatory
 2492 information not required by subsection (3).

2493 (5) Member boards shall share complaint or disciplinary
 2494 information about a physician upon request of another member
 2495 board.

2496 (6) All information provided to the Interstate Commission
 2497 or distributed by member boards shall be confidential, filed
 2498 under seal, and used only for investigatory or disciplinary
 2499 matters.

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2500 (7) The Interstate Commission may develop rules for
 2501 mandated or discretionary sharing of information by member
 2502 boards.

2503 Reviser's note.—Amended to confirm an editorial insertion to
 2504 improve clarity.

2505 Section 51. Paragraph (c) of subsection (2) of section
 2506 459.0075, Florida Statutes, is amended to read:

2507 459.0075 Limited licenses.—

2508 (2) GRADUATE ASSISTANT PHYSICIANS.—A graduate assistant
 2509 physician is a medical school graduate who meets the
 2510 requirements of this subsection and has obtained a limited
 2511 license from the board for the purpose of practicing temporarily
 2512 under the direct supervision of a physician who has a full,
 2513 active, and unencumbered license issued under this chapter,
 2514 pending the graduate's entrance into a residency under the
 2515 National Resident Match Program.

2516 (c) A graduate assistant physician limited licensee may
 2517 apply for a one-time renewal of his or her limited license
 2518 ~~licensed~~ by submitting a board-approved application,
 2519 documentation of actual practice under the required protocol
 2520 during the initial limited licensure period, and documentation
 2521 of applications he or she has submitted for accredited graduate
 2522 medical education training programs. The one-time renewal
 2523 terminates after 1 year. A graduate assistant physician who has
 2524 received a limited license under this subsection is not eligible
 2525 to apply for another limited license, regardless of whether he
 2526 or she received a one-time renewal under this paragraph.

2527 Reviser's note.—Amended to confirm an editorial substitution to
 2528 facilitate correct interpretation.

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2529 Section 52. Subsection (4) of section 465.022, Florida
 2530 Statutes, is amended to read
 2531 465.022 Pharmacies; general requirements; fees.—
 2532 (4) An application for a pharmacy permit must include the
 2533 applicant's written policies and procedures for preventing
 2534 controlled substance dispensing based on fraudulent
 2535 representations or invalid practitioner-patient relationships.
 2536 The board must review the policies and procedures and may deny a
 2537 permit if the policies and procedures are insufficient to
 2538 reasonably prevent such dispensing. ~~The department may phase in~~
 2539 ~~the submission and review of policies and procedures over one~~
 2540 ~~18-month period beginning July 1, 2011.~~
 2541 Reviser's note.—Amended to delete obsolete language.
 2542 Section 53. Subsection (3) of section 466.016, Florida
 2543 Statutes, is amended to read:
 2544 466.016 License to be displayed.—
 2545 (3) Any partnership, corporation, or other business entity
 2546 that advertises dental services shall designate with the board a
 2547 dentist of record and provide each patient with the name,
 2548 contact telephone number, after-hours contact information for
 2549 emergencies, and, upon the patient's request, license
 2550 information of the dentist of record. The designated dentist
 2551 shall have a full, active, and unencumbered license under this
 2552 chapter or a registration pursuant to s. 456.47.
 2553 Reviser's note.—Amended to confirm an editorial insertion to
 2554 improve clarity.
 2555 Section 54. Paragraphs (t)-(v), (aa), and (mm) of
 2556 subsection (1) of section 466.028, Florida Statutes, are amended
 2557 to read:

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2558 466.028 Grounds for disciplinary action; action by the
 2559 board.—
 2560 (1) The following acts constitute grounds for denial of a
 2561 license or disciplinary action, as specified in s. 456.072(2):
 2562 (t) Committing fraud, deceit, or misconduct in the practice
 2563 of dentistry or dental hygiene.
 2564 (u) Failing ~~Failure~~ to provide and maintain reasonable
 2565 sanitary facilities and conditions.
 2566 (v) Failing ~~Failure~~ to provide adequate radiation
 2567 safeguards.
 2568 (aa) Violating ~~The violation of~~ a lawful order of the board
 2569 or department previously entered in a disciplinary hearing; or
 2570 failure to comply with a lawfully issued subpoena of the board
 2571 or department.
 2572 (mm) Failing ~~Failure~~ by the dentist of record, before the
 2573 initial diagnosis and correction of a malposition of human teeth
 2574 or initial use of an orthodontic appliance, to perform an in-
 2575 person examination of the patient or obtain records from an in-
 2576 person examination within the last 12 months and to perform a
 2577 review of the patient's most recent diagnostic digital or
 2578 conventional radiographs or other equivalent bone imaging
 2579 suitable for orthodontia.
 2580 Reviser's note.—Amended to provide grammatical consistency with
 2581 the other paragraphs in this subsection.
 2582 Section 55. Section 466.0281, Florida Statutes, is amended
 2583 to read:
 2584 466.0281 Initial examination for orthodontic appliance.—
 2585 Before the initial diagnosis and correction of a malposition of
 2586 human teeth or initial use of an orthodontic appliance, a

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2587 dentist must perform an in-person examination of the patient or
 2588 obtain records from an in-person examination within the previous
 2589 12 months and ~~to~~ perform a review of the patient's most recent
 2590 diagnostic digital or conventional radiographs or other
 2591 equivalent bone imaging suitable for orthodontia. The term "in-
 2592 person examination" means an examination conducted by a dentist
 2593 while the dentist is physically present in the same room as the
 2594 patient.

2595 Reviser's note.—Amended to confirm an editorial deletion to
 2596 improve clarity.

2597 Section 56. Subsection (1) of section 493.6127, Florida
 2598 Statutes, is amended to read:

2599 493.6127 Appointment of tax collectors to accept
 2600 applications and renewals for licenses; fees; penalties.—

2601 (1) The department may appoint a tax collector, a county
 2602 officer as described in s. 1(d), Art. VIII of the State
 2603 Constitution, to accept new, renewal, and replacement license
 2604 applications on behalf of the department for licenses issued
 2605 under this chapter. Such appointment shall be for specified
 2606 locations that will best serve the public interest and
 2607 convenience of ~~in~~ persons applying for these licenses. The
 2608 department shall establish by rule the type of new, renewal, or
 2609 replacement licenses a tax collector appointed under this
 2610 section is authorized to accept.

2611 Reviser's note.—Amended to confirm an editorial substitution to
 2612 improve clarity.

2613 Section 57. Paragraph (b) of subsection (6) of section
 2614 516.15, Florida Statutes, is amended to read:

2615 516.15 Duties of licensee.—Every licensee shall:

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2616 (6) Offer the borrower at the time a loan is made a credit
 2617 education program or seminar provided, in writing or by
 2618 electronic means, by the licensee or a third-party provider. The
 2619 credit education program or seminar may address, but need not be
 2620 limited to, any of the following topics:

2621 (b) The impact of, value of, and ways to improve a credit
 2622 score.

2623

2624 A credit education program or seminar offered under this
 2625 subsection must be offered at no cost to the borrower. A
 2626 licensee may not require a borrower to participate in a credit
 2627 education program or seminar as a condition of receiving a loan.

2628 Reviser's note.—Amended to confirm an editorial insertion to
 2629 improve clarity.

2630 Section 58. Paragraph (f) of subsection (2) of section
 2631 516.38, Florida Statutes, is amended to read:

2632 516.38 Annual reports by licensees.—

2633 (2) The report must include the following information for
 2634 the preceding calendar year:

2635 (f) The total number of loans, separated by principal
 2636 amount, in the following ranges as of December 31 of the
 2637 preceding calendar year:

2638 1. Up to and including \$5,000.

2639 2. From \$5,001 ~~Five thousand and one dollars~~ to \$10,000.

2640 3. From \$10,001 ~~Ten thousand and one dollars~~ to \$15,000.

2641 4. From \$15,001 ~~Fifteen thousand and one dollars~~ to
 2642 \$20,000.

2643 5. From \$20,001 ~~Twenty thousand and one dollars~~ to \$25,000.

2644 Reviser's note.—Amended to confirm editorial insertions, and

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2645 editorial substitutions of dollar amounts to figures, to
 2646 conform to style elsewhere in the section.
 2647 Section 59. Paragraph (b) of subsection (5) of section
 2648 517.131, Florida Statutes, is amended to read:
 2649 517.131 Securities Guaranty Fund.—
 2650 (5) An eligible person, or a receiver on behalf of the
 2651 eligible person, seeking payment from the Securities Guaranty
 2652 Fund must file with the office a written application on a form
 2653 that the commission may prescribe by rule. The commission may
 2654 adopt by rule procedures for filing documents by electronic
 2655 means, provided that such procedures provide the office with the
 2656 information and data required by this section. The application
 2657 must be filed with the office within 1 year after the date of
 2658 the final judgment, the date on which a restitution order has
 2659 been ripe for execution, or the date of any appellate decision
 2660 thereon, and, at minimum, must contain all of the following
 2661 information:
 2662 (b) The name of the person ordered to pay restitution.
 2663 Reviser's note.—Amended to improve clarity.
 2664 Section 60. Paragraph (b) of subsection (6) of section
 2665 550.0351, Florida Statutes, is amended to read:
 2666 550.0351 Charity days.—
 2667 (6)
 2668 (b) The funds derived from the operation of the additional
 2669 scholarship day shall be allocated as provided in this section
 2670 and paid to Pasco-Hernando State College ~~Pasco-Hernando~~
 2671 ~~Community College~~.
 2672 Reviser's note.—Amended to confirm an editorial substitution to
 2673 conform to the renaming of the college by s. 1, ch. 2014-8,

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2674 Laws of Florida.
 2675 Section 61. Subsection (7) of section 553.8991, Florida
 2676 Statutes, is amended to read:
 2677 553.8991 Resiliency and Safe Structures Act.—
 2678 (7) APPLICATION AND CONSTRUCTION.—This section applies
 2679 retroactively to any law adopted contrary to this section or its
 2680 intent and must be liberally construed to effectuate its intent.
 2681 This section does not apply to or affect s. 553.79(25)
 2682 ~~553.79(26)~~.
 2683 Reviser's note.—Amended to conform to the deletion of former s.
 2684 553.79(16) by s. 3, ch. 2024-191, Laws of Florida.
 2685 Section 62. Section 569.31, Florida Statutes, is reenacted
 2686 to read:
 2687 569.31 Definitions.—As used in this part, the term:
 2688 (1) "Dealer" is synonymous with the term "retail nicotine
 2689 products dealer."
 2690 (2) "Division" means the Division of Alcoholic Beverages
 2691 and Tobacco of the Department of Business and Professional
 2692 Regulation.
 2693 (3) "FDA" means the United States Food and Drug
 2694 Administration.
 2695 (4) "Nicotine dispensing device" means any product that
 2696 employs an electronic, chemical, or mechanical means to produce
 2697 vapor or aerosol from a nicotine product, including, but not
 2698 limited to, an electronic cigarette, electronic cigar,
 2699 electronic cigarillo, electronic pipe, or other similar device
 2700 or product, any replacement cartridge for such device, and any
 2701 other container of nicotine in a solution or other form intended
 2702 to be used with or within an electronic cigarette, electronic

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2703 cigar, electronic cigarillo, electronic pipe, or other similar
 2704 device or product. For purposes of this definition, each
 2705 individual stock keeping unit is considered a separate nicotine
 2706 dispensing device.

2707 (5) "Nicotine product" means any product that contains
 2708 nicotine, including liquid nicotine, which is intended for human
 2709 consumption, whether inhaled, chewed, absorbed, dissolved, or
 2710 ingested by any means. The term also includes any nicotine
 2711 dispensing device. The term does not include a:

2712 (a) Tobacco product, as defined in s. 569.002;
 2713 (b) Product regulated as a drug or device by the United
 2714 States Food and Drug Administration under Chapter V of the
 2715 Federal Food, Drug, and Cosmetic Act; or
 2716 (c) Product that contains incidental nicotine.

2717 (6) "Nicotine products manufacturer" means any person or
 2718 entity that manufactures nicotine products.

2719 (7) "Permit" is synonymous with the term "retail nicotine
 2720 products dealer permit."

2721 (8) "Retail nicotine products dealer" means the holder of a
 2722 retail nicotine products dealer permit.

2723 (9) "Retail nicotine products dealer permit" means a permit
 2724 issued by the division under s. 569.32.

2725 (10) "Self-service merchandising" means the open display of
 2726 nicotine products, whether packaged or otherwise, for direct
 2727 retail customer access and handling before purchase without the
 2728 intervention or assistance of the dealer or the dealer's owner,
 2729 employee, or agent. An open display of such products and devices
 2730 includes the use of an open display unit.

2731 (11) "Sell" or "sale" means, in addition to its common

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2732 usage meaning, any sale, transfer, exchange, barter, gift, or
 2733 offer for sale and distribution, in any manner or by any means.

2734 (12) "Any person under the age of 21" does not include any
 2735 person under the age of 21 who:

2736 (a) Is in the military reserve or on active duty in the
 2737 Armed Forces of the United States; or
 2738 (b) Is acting in his or her scope of lawful employment.

2739 Reviser's note.—Section 1, ch. 2024-127, Laws of Florida,
 2740 purported to amend s. 569.31, but did not publish
 2741 subsection (9), which was published and redesignated as
 2742 subsection (12) by the editors to conform to the subsection
 2743 redesignations by s. 1, ch. 2024-127. Absent affirmative
 2744 evidence of legislative intent to repeal it, s. 569.31 is
 2745 reenacted to confirm that the omission was not intended.
 2746 Section 63. Paragraph (a) of subsection (6) of section
 2747 581.189, Florida Statutes, is amended to read:

2748 581.189 Dealing in, buying, transporting, and processing
 2749 saw palmetto berries.—

2750 (6) (a) A harvester that exchanges or offers to exchange saw
 2751 palmetto berries with a saw palmetto dealer, seller, or
 2752 processor for money or any other valuable consideration without
 2753 first presenting to the saw palmetto berry dealer, seller, or
 2754 processor the person's entire permit, as provided in s. 581.185,
 2755 or the landowner's written permission commits a misdemeanor of
 2756 the first degree, punishable as provided in s. 775.082 or s.
 2757 775.083.

2758 Reviser's note.—Amended to confirm an editorial insertion to
 2759 improve clarity.

2760 Section 64. Paragraph (a) of subsection (6) of section

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2761 605.0115, Florida Statutes, is amended to read:
 2762 605.0115 Resignation of registered agent.-
 2763 (6) (a) If a registered agent is resigning as registered
 2764 agent from more than one limited liability company that each has
 2765 been dissolved, either voluntarily, administratively, or by
 2766 court action, for a continuous period of 10 years or longer, the
 2767 registered agent may elect to file the statement of resignation
 2768 separately for each such limited liability company or may elect
 2769 to file a single composite statement of resignation covering two
 2770 or more limited liability companies. Any such composite
 2771 statement of resignation must set forth, for each such limited
 2772 liability company covered by the statement of resignation, the
 2773 name of the respective limited liability company and the date
 2774 dissolution became effective for the respective limited
 2775 liability company.

2776 Reviser's note.-Amended to confirm an editorial insertion to
 2777 conform to context.

2778 Section 65. Subsection (4) of section 607.0149, Florida
 2779 Statutes, is amended to read:

2780 607.0149 Notice requirements.-
 2781 (4) Notice under this section is not required with respect
 2782 to any action required to be submitted to shareholders for
 2783 approval pursuant to s. 607.0147(3) if notice is given in
 2784 accordance with s. 607.0148(2).

2785 Reviser's note.-Amended to confirm an editorial insertion to
 2786 improve clarity.

2787 Section 66. Paragraph (b) of subsection (1) of section
 2788 624.27, Florida Statutes, is amended to read:
 2789 624.27 Direct health care agreements; exemption from code.-

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2790 (1) As used in this section, the term:
 2791 (b) "Health care provider" means a health care provider
 2792 licensed under chapter 458, chapter 459, chapter 460, chapter
 2793 461, chapter 464, ~~or~~ chapter 466, chapter 490, or chapter 491,
 2794 or a health care group practice, who provides health care
 2795 services to patients.

2796 Reviser's note.-Amended to confirm an editorial deletion to
 2797 conform to context.

2798 Section 67. Paragraph (c) of subsection (10) of section
 2799 624.307, Florida Statutes, is amended to read:
 2800 624.307 General powers; duties.-
 2801 (10)
 2802 (c) Each insurer issued a certificate of authority or made
 2803 an eligible surplus lines insurer shall file with the department
 2804 an e-mail address to which requests for response to consumer
 2805 complaints shall be directed pursuant to paragraph (b). Such
 2806 insurer shall also designate a contact person for escalated
 2807 complaint issues and shall provide the name, e-mail address, and
 2808 telephone number of such person. A licensee of the department,
 2809 including an agency or a firm, may elect to designate ~~designated~~
 2810 an e-mail address to which requests for response to consumer
 2811 complaints shall be directed pursuant to paragraph (b). If a
 2812 licensee, including an agency or a firm, elects not to designate
 2813 an e-mail address, the department shall direct requests for
 2814 response to consumer complaints to the e-mail address of record
 2815 for the licensee in the department's licensing system. An
 2816 insurer or a licensee, including an agency or a firm, may change
 2817 the designated contact information at any time by submitting the
 2818 new information to the department using the method designated by

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2819 rule by the department.
 2820 Reviser's note.—Amended to confirm an editorial substitution to
 2821 conform to context.
 2822 Section 68. Paragraph (c) of subsection (1) of section
 2823 624.413, Florida Statutes, is amended to read:
 2824 624.413 Application for certificate of authority.—
 2825 (1) To apply for a certificate of authority, an insurer
 2826 shall file its application therefor with the office, upon a form
 2827 adopted by the commission and furnished by the office, showing
 2828 its name; location of its home office and, if an alien insurer,
 2829 its principal office in the United States; kinds of insurance to
 2830 be transacted; state or country of domicile; and such additional
 2831 information as the commission reasonably requires, together with
 2832 the following documents:
 2833 (c) If a foreign or alien reciprocal insurer, a copy of the
 2834 power of attorney of its attorney in fact and of its
 2835 subscribers' agreement, if any, certified by the attorney in
 2836 fact; and, if a domestic reciprocal insurer, the permit
 2837 application declaration provided for in s. 629.081.
 2838 Reviser's note.—Amended to conform to s. 15, ch. 2024-182, Laws
 2839 of Florida, which replaced references to a declaration in
 2840 s. 629.081 with language related to a permit application.
 2841 Section 69. Paragraph (c) of subsection (1) of section
 2842 624.4213, Florida Statutes, is amended to read:
 2843 624.4213 Trade secret documents.—
 2844 (1) If any person who is required to submit documents or
 2845 other information to the office or department pursuant to the
 2846 insurance code or by rule or order of the office, department, or
 2847 commission claims that such submission contains a trade secret,

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2848 such person may file with the office or department a notice of
 2849 trade secret as provided in this section. Failure to do so
 2850 constitutes a waiver of any claim by such person that the
 2851 document or information is a trade secret.
 2852 (c) In submitting a notice of trade secret to the office or
 2853 department, the submitting party must include an affidavit
 2854 certifying under oath to the truth of the following statements
 2855 concerning all documents or information that are claimed to be
 2856 trade secrets:
 2857 1. ...(I consider/My company considers)... ~~{I consider/My~~
 2858 ~~company considers}~~ this information a trade secret that has
 2859 value and provides an advantage or an opportunity to obtain an
 2860 advantage over those who do not know or use it.
 2861 2. ...(I have/My company has)... ~~{I have/My company has}~~
 2862 taken measures to prevent the disclosure of the information to
 2863 anyone other than those who have been selected to have access
 2864 for limited purposes, and ...(I intend/my company intends)... ~~{I~~
 2865 ~~intend/my company intends}~~ to continue to take such measures.
 2866 3. The information is not, and has not been, reasonably
 2867 obtainable without ...(my/our)... ~~{my/our}~~ consent by other
 2868 persons by use of legitimate means.
 2869 4. The information is not publicly available elsewhere.
 2870 Reviser's note.—Amended to conform to general style in forms.
 2871 Section 70. Paragraph (d) of subsection (8) of section
 2872 624.424, Florida Statutes, is amended to read:
 2873 624.424 Annual statement and other information.—
 2874 (8)
 2875 (d) Upon creation of the continuing education required
 2876 under this paragraph, the certified public accountant who ~~that~~

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2877 prepares the audit must be licensed to practice pursuant to
 2878 chapter 473 and must have completed at least 4 hours of
 2879 insurance-related continuing education during each 2-year
 2880 continuing education cycle. An insurer may not use the same
 2881 accountant or partner of an accounting firm responsible for
 2882 preparing the report required by this subsection for more than 5
 2883 consecutive years. Following this period, the insurer may not
 2884 use such accountant or partner for a period of 5 years, but may
 2885 use another accountant or partner of the same firm. An insurer
 2886 may request the office to waive this prohibition based upon an
 2887 unusual hardship to the insurer and a determination that the
 2888 accountant is exercising independent judgment that is not unduly
 2889 influenced by the insurer considering such factors as the number
 2890 of partners, expertise of the partners or the number of
 2891 insurance clients of the accounting firm; the premium volume of
 2892 the insurer; and the number of jurisdictions in which the
 2893 insurer transacts business.

2894 Reviser's note.—Amended to confirm an editorial substitution to
 2895 conform to context.

2896 Section 71. Paragraph (b) of subsection (1) of section
 2897 624.470, Florida Statutes, is amended to read:

2898 624.470 Annual reports.—

2899 (1)

2900 (b) For financial statements filed on or after January 1,
 2901 1998, future investment income may only be reported as an
 2902 admitted asset by an Assessable Mutual or Self-Insurance Fund
 2903 which reported future investment income in financial statements
 2904 filed with the former Department of Insurance prior to January
 2905 1, 1998.

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2906 Reviser's note.—Amended to conform to the fact that the duties
 2907 of the Department of Insurance were transferred to the
 2908 Department of Financial Services or the Financial Services
 2909 Commission by ch. 2002-404, Laws of Florida, effective
 2910 January 7, 2003. Section 3, ch. 2003-1, Laws of Florida,
 2911 and s. 1978, ch. 2003-261, Laws of Florida, repealed s.
 2912 20.13, which created the Department of Insurance.

2913 Section 72. Subsection (3) of section 626.878, Florida
 2914 Statutes, is amended to read:

2915 626.878 Rules; code of ethics.—

2916 (3) An adjuster who has had his or her license ~~license~~
 2917 revoked or suspended may not participate in any part of an
 2918 insurance claim or in the insurance claims adjusting process,
 2919 including estimating, completing, filing, negotiating,
 2920 appraising, mediating, umpiring, or effecting settlement of a
 2921 claim for loss or damage covered under an insurance contract. A
 2922 person who provides these services while the person's license is
 2923 revoked or suspended acts as an unlicensed adjuster.

2924 Reviser's note.—Amended to confirm an editorial substitution to
 2925 conform to context.

2926 Section 73. Paragraph (d) of subsection (6) of section
 2927 627.410, Florida Statutes, is amended to read:

2928 627.410 Filing, approval of forms.—

2929 (6)

2930 (d) Every filing made pursuant to this subsection, except
 2931 disability income policies and accidental death policies, is
 2932 prohibited from applying the following rating practices:

2933 1. Select and ultimate premium schedules.

2934 2. Premium class definitions that classify insureds ~~insured~~

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2935 based on year of issue or duration since issue.

2936 3. Attained age premium structures on policy forms under
2937 which more than 50 percent of the policies are issued to persons
2938 age 65 or over.

2939 Reviser's note.—Amended to conform to context.

2940 Section 74. Subsection (1) of section 629.121, Florida
2941 Statutes, is amended to read:

2942 629.121 Attorney's bond.—

2943 (1) Concurrently with the filing of the permit application
2944 ~~declaration~~ provided for in s. 629.081, the attorney of a
2945 domestic reciprocal insurer shall file with the office a bond in
2946 favor of this state for the benefit of all persons damaged as a
2947 result of breach by the attorney of the conditions of his or her
2948 bond as set forth in subsection (2). The bond shall be executed
2949 by the attorney and by an authorized corporate surety and shall
2950 be subject to the approval of the office.

2951 Reviser's note.—Amended to conform to s. 15, ch. 2024-182, Laws
2952 of Florida, which replaced references to a declaration in
2953 s. 629.081 with language related to a permit application.

2954 Section 75. Subsection (9) of section 648.25, Florida
2955 Statutes, is amended to read:

2956 648.25 Definitions.—As used in this chapter, the term:

2957 (9) "Referring bail bond agent" means ~~is~~ the limited surety
2958 agent who is requesting the transfer bond. The referring bail
2959 bond agent is the agent held liable for the transfer bond, along
2960 with the issuing surety company.

2961 Reviser's note.—Amended to confirm an editorial substitution to
2962 conform to the style used in the section.

2963 Section 76. Paragraph (c) of subsection (1) of section

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2964 655.0591, Florida Statutes, is amended to read:

2965 655.0591 Trade secret documents.—

2966 (1) If any person who is required to submit documents or
2967 other information to the office pursuant to the financial
2968 institutions codes, or by rule or order of the office or
2969 commission, claims that such submission contains a trade secret,
2970 such person may file with the office a notice of trade secret
2971 when the information is submitted to the office as provided in
2972 this section. Failure to file such notice constitutes a waiver
2973 of any claim by such person that the document or information is
2974 a trade secret. The notice must provide the contact information
2975 of the person claiming ownership of the trade secret. The person
2976 claiming the trade secret is responsible for updating the
2977 contact information with the office.

2978 (c) In submitting a notice of trade secret to the office or
2979 the Department of Financial Services, the submitting party shall
2980 include an affidavit certifying under oath to the truth of the
2981 following statements concerning all documents or information
2982 that are claimed to be trade secrets:

2983 1. ...(I consider/my company considers)... ~~...I~~
2984 ~~consider/my company considers...~~ this information a trade
2985 secret that has value and provides an advantage or an
2986 opportunity to obtain an advantage over those who do not know or
2987 use it.

2988 2. ...(I have/my company has)... ~~...I have/my company~~
2989 ~~has...~~ taken measures to prevent the disclosure of the
2990 information to anyone other than those who have been selected to
2991 have access for limited purposes, and ...(I intend/my company
2992 intends)... ~~...I intend/my company intends...~~ to continue to

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2993 take such measures.

2994 3. The information is not, and has not been, reasonably
2995 obtainable without ...(my/our)... ~~{...my/our...}~~ consent by
2996 other persons by use of legitimate means.

2997 4. The information is not publicly available elsewhere.
2998 Reviser's note.—Amended to conform to general style in forms.

2999 Section 77. Subsection (1) of section 683.06, Florida
3000 Statutes, is amended to read:

3001 683.06 Pascua Florida Day.—

3002 (1) April 2 of each year is hereby designated as "Florida
3003 State Day." The day is to be known as "Pascua Florida Day."
3004 Reviser's note.—Amended to confirm an editorial insertion to
3005 improve sentence structure.

3006 Section 78. Subsection (4) of section 709.2209, Florida
3007 Statutes, is amended to read:

3008 709.2209 Supported decisionmaking agreements.—

3009 (4) A communication made by the principal with the
3010 assistance of or through an agent under a supported
3011 decisionmaking agreement that is within the authority granted to
3012 the agent may be recognized ~~for~~ as a communication of the
3013 principal.

3014 Reviser's note.—Amended to confirm an editorial deletion to
3015 improve clarity.

3016 Section 79. Subsection (1) of section 715.105, Florida
3017 Statutes, is amended to read:

3018 715.105 Form of notice concerning abandoned property to
3019 former tenant.—

3020 (1) A notice to the former tenant which is in substantially
3021 the following form satisfies the requirements of s. 715.104:

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3022

3023 Notice of Right to Reclaim Abandoned Property

3024 To: ...(Name of former tenant)...

3025 ...(Address of former tenant)...

3026 When you vacated the premises at ...(address of premises,
3027 including room or apartment number, if any)..., the following
3028 personal property remained: ...(insert description of personal
3029 property)...

3030 You may claim this property at ...(address where property
3031 may be claimed)....

3032 Unless you pay the reasonable costs of storage and
3033 advertising, if any, for all the above-described property and
3034 take possession of the property which you claim, not later than
3035 ...(insert date not fewer than 10 days after notice is
3036 personally delivered or, if mailed, not fewer than 15 days after
3037 notice is deposited in the mail)..., this property may be
3038 disposed of pursuant to s. 715.109, Florida Statutes.

3039 ...(Insert here the statement required by subsection
3040 (2))...

3041 Dated:(Signature of landlord)...

3042 ...(Type or print name of landlord)...

3043 ...(Telephone number)...

3044 ...(Address)...

3045 Reviser's note.—Amended to conform to general style in forms.

3046 Section 80. Subsections (4) and (11) of section 717.101,
3047 Florida Statutes, are amended to read:

3048 717.101 Definitions.—As used in this chapter, unless the
3049 context otherwise requires:

3050 (4) "Audit agent" means a person with whom the department

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3051 enters into a contract ~~with~~ to conduct an audit or examination.
 3052 The term includes an independent contractor of the person and
 3053 each individual participating in the audit on behalf of the
 3054 person or contractor.

3055 (11) "Domicile" means the state of incorporation for a
 3056 corporation; the state of filing for a business association,
 3057 other than a corporation, whose formation or organization
 3058 requires a filing with a state; the state of organization for a
 3059 business association, other than a corporation, whose formation
 3060 or organization does not require a filing with a state; or the
 3061 state of home office for a federally chartered entity.

3062 Reviser's note.—Subsection (4) is amended to confirm an
 3063 editorial deletion to improve sentence structure.

3064 Subsection (11) is amended to confirm an editorial
 3065 insertion to improve clarity.

3066 Section 81. Paragraph (a) of subsection (1) of section
 3067 717.1201, Florida Statutes, is amended to read:

3068 717.1201 Custody by state; holder liability; reimbursement
 3069 of holder paying claim; reclaiming for owner; payment of safe-
 3070 deposit box or repository charges.—

3071 (1) Upon the good faith payment or delivery of unclaimed
 3072 property to the department, the state assumes custody and
 3073 responsibility for the safekeeping of the property. Any person
 3074 who pays or delivers unclaimed property to the department in
 3075 good faith is relieved of all liability to the extent of the
 3076 value of the property paid or delivered for any claim then
 3077 existing or which thereafter may arise or be made in respect to
 3078 the property.

3079 (a) A holder's substantial compliance with s. 717.117(6)

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3080 and good faith payment or delivery of unclaimed property to the
 3081 department releases the holder from liability that may arise
 3082 from such payment or delivery, and such delivery and payment may
 3083 be pleaded ~~plead~~ as a defense in any suit or action brought by
 3084 reason of such delivery or payment. This section does not
 3085 relieve a fiduciary of his or her duties under the Florida Trust
 3086 Code or Florida Probate Code.

3087 Reviser's note.—Amended to confirm an editorial substitution to
 3088 conform to context.

3089 Section 82. Paragraphs (c) and (f) of subsection (12) of
 3090 section 718.111, Florida Statutes, are amended to read:

3091 718.111 The association.—

3092 (12) OFFICIAL RECORDS.—

3093 (c)1.a. The official records of the association are open to
 3094 inspection by any association member and any person authorized
 3095 by an association member as a representative of such member at
 3096 all reasonable times. The right to inspect the records includes
 3097 the right to make or obtain copies, at the reasonable expense,
 3098 if any, of the member and of the person authorized by the
 3099 association member as a representative of such member. A renter
 3100 of a unit has a right to inspect and copy only the declaration
 3101 of condominium, the association's bylaws and rules, and the
 3102 inspection reports described in ss. 553.899 and 718.301(4)(p).
 3103 The association may adopt reasonable rules regarding the
 3104 frequency, time, location, notice, and manner of record
 3105 inspections and copying but may not require a member to
 3106 demonstrate any purpose or state any reason for the inspection.
 3107 The failure of an association to provide the records within 10
 3108 working days after receipt of a written request creates a

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3109 rebuttable presumption that the association willfully failed to
 3110 comply with this paragraph. A unit owner who is denied access to
 3111 official records is entitled to the actual damages or minimum
 3112 damages for the association's willful failure to comply. Minimum
 3113 damages are \$50 per calendar day for up to 10 days, beginning on
 3114 the 11th working day after receipt of the written request. The
 3115 failure to permit inspection entitles any person prevailing in
 3116 an enforcement action to recover reasonable attorney fees from
 3117 the person in control of the records who, directly or
 3118 indirectly, knowingly denied access to the records. If the
 3119 requested records are posted on an association's website, or are
 3120 available for download through an application on a mobile
 3121 device, the association may fulfill its obligations under this
 3122 paragraph by directing to the website or the application all
 3123 persons authorized to request access.

3124 b. In response to a written request to inspect records, the
 3125 association must simultaneously provide to the requestor a
 3126 checklist of all records made available for inspection and
 3127 copying. The checklist must also identify any of the
 3128 association's official records that were not made available to
 3129 the requestor. An association must maintain a checklist provided
 3130 under this sub-subparagraph for 7 years. An association
 3131 delivering a checklist pursuant to this sub-subparagraph creates
 3132 a rebuttable presumption that the association has complied with
 3133 this paragraph.

3134 2. A director or member of the board or association or a
 3135 community association manager who knowingly, willfully, and
 3136 repeatedly violates subparagraph 1. commits a misdemeanor of the
 3137 second degree, punishable as provided in s. 775.082 or s.

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3138 775.083, and must be removed from office and a vacancy declared.
 3139 For purposes of this subparagraph, the term "repeatedly" means
 3140 two or more violations within a 12-month period.

3141 3. Any person who knowingly or intentionally defaces or
 3142 destroys accounting records that are required by this chapter to
 3143 be maintained during the period for which such records are
 3144 required to be maintained, or who knowingly or intentionally
 3145 fails to create or maintain accounting records that are required
 3146 to be created or maintained, with the intent of causing harm to
 3147 the association or one or more of its members, commits a
 3148 misdemeanor of the first degree, punishable as provided in s.
 3149 775.082 or s. 775.083; is personally subject to a civil penalty
 3150 pursuant to s. 718.501(1)(e) ~~718.501(1)(d)~~; and must be removed
 3151 from office and a vacancy declared.

3152 4. A person who willfully and knowingly refuses to release
 3153 or otherwise produce association records with the intent to
 3154 avoid or escape detection, arrest, trial, or punishment for the
 3155 commission of a crime, or to assist another person with such
 3156 avoidance or escape, commits a felony of the third degree,
 3157 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 3158 and must be removed from office and a vacancy declared.

3159 5. The association shall maintain an adequate number of
 3160 copies of the declaration, articles of incorporation, bylaws,
 3161 and rules, and all amendments to each of the foregoing, as well
 3162 as the question and answer sheet as described in s. 718.504 and
 3163 year-end financial information required under this section, on
 3164 the condominium property to ensure their availability to unit
 3165 owners and prospective purchasers, and may charge its actual
 3166 costs for preparing and furnishing these documents to those

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3167 requesting the documents. An association shall allow a member or
 3168 his or her authorized representative to use a portable device,
 3169 including a smartphone, tablet, portable scanner, or any other
 3170 technology capable of scanning or taking photographs, to make an
 3171 electronic copy of the official records in lieu of the
 3172 association's providing the member or his or her authorized
 3173 representative with a copy of such records. The association may
 3174 not charge a member or his or her authorized representative for
 3175 the use of a portable device. Notwithstanding this paragraph,
 3176 the following records are not accessible to unit owners:

3177 a. Any record protected by the lawyer-client privilege as
 3178 described in s. 90.502 and any record protected by the work-
 3179 product privilege, including a record prepared by an association
 3180 attorney or prepared at the attorney's express direction, which
 3181 reflects a mental impression, conclusion, litigation strategy,
 3182 or legal theory of the attorney or the association, and which
 3183 was prepared exclusively for civil or criminal litigation or for
 3184 adversarial administrative proceedings, or which was prepared in
 3185 anticipation of such litigation or proceedings until the
 3186 conclusion of the litigation or proceedings.

3187 b. Information obtained by an association in connection
 3188 with the approval of the lease, sale, or other transfer of a
 3189 unit.

3190 c. Personnel records of association or management company
 3191 employees, including, but not limited to, disciplinary, payroll,
 3192 health, and insurance records. For purposes of this sub-
 3193 subparagraph, the term "personnel records" does not include
 3194 written employment agreements with an association employee or
 3195 management company, or budgetary or financial records that

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3196 indicate the compensation paid to an association employee.
 3197 d. Medical records of unit owners.
 3198 e. Social security numbers, driver license numbers, credit
 3199 card numbers, e-mail addresses, telephone numbers, facsimile
 3200 numbers, emergency contact information, addresses of a unit
 3201 owner other than as provided to fulfill the association's notice
 3202 requirements, and other personal identifying information of any
 3203 person, excluding the person's name, unit designation, mailing
 3204 address, property address, and any address, e-mail address, or
 3205 facsimile number provided to the association to fulfill the
 3206 association's notice requirements. Notwithstanding the
 3207 restrictions in this sub-subparagraph, an association may print
 3208 and distribute to unit owners a directory containing the name,
 3209 unit address, and all telephone numbers of each unit owner.
 3210 However, an owner may exclude his or her telephone numbers from
 3211 the directory by so requesting in writing to the association. An
 3212 owner may consent in writing to the disclosure of other contact
 3213 information described in this sub-subparagraph. The association
 3214 is not liable for the inadvertent disclosure of information that
 3215 is protected under this sub-subparagraph if the information is
 3216 included in an official record of the association and is
 3217 voluntarily provided by an owner and not requested by the
 3218 association.
 3219 f. Electronic security measures that are used by the
 3220 association to safeguard data, including passwords.
 3221 g. The software and operating system used by the
 3222 association which allow the manipulation of data, even if the
 3223 owner owns a copy of the same software used by the association.
 3224 The data is part of the official records of the association.

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3225 h. All affirmative acknowledgments made pursuant to s.
 3226 718.121(4)(c).
 3227 (f) An outgoing board or committee member must relinquish
 3228 all official records and property of the association in his or
 3229 her possession or under his or her control to the incoming board
 3230 within 5 days after the election. The division shall impose a
 3231 civil penalty as set forth in s. 718.501(1)(e)6. ~~718.501(1)(d)6.~~
 3232 against an outgoing board or committee member who willfully and
 3233 knowingly fails to relinquish such records and property.
 3234 Reviser's note.—Amended to correct cross-references to conform
 3235 to the redesignation of s. 718.501(1)(d) as s.
 3236 718.501(1)(e) by s. 21, ch. 2024-244, Laws of Florida.
 3237 Section 83. Paragraph (c) of subsection (4) of section
 3238 719.108, Florida Statutes, is amended to read:
 3239 719.108 Rents and assessments; liability; lien and
 3240 priority; interest; collection; cooperative ownership.—
 3241 (4) The association has a lien on each cooperative parcel
 3242 for any unpaid rents and assessments, plus interest, and any
 3243 administrative late fees. If authorized by the cooperative
 3244 documents, the lien also secures reasonable attorney fees
 3245 incurred by the association incident to the collection of the
 3246 rents and assessments or enforcement of such lien. The lien is
 3247 effective from and after recording a claim of lien in the public
 3248 records in the county in which the cooperative parcel is located
 3249 which states the description of the cooperative parcel, the name
 3250 of the unit owner, the amount due, and the due dates. Except as
 3251 otherwise provided in this chapter, a lien may not be filed by
 3252 the association against a cooperative parcel until 45 days after
 3253 the date on which a notice of intent to file a lien has been

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3254 delivered to the owner.
 3255 (c) By recording a notice in substantially the following
 3256 form, a unit owner or the unit owner's agent or attorney may
 3257 require the association to enforce a recorded claim of lien
 3258 against his or her cooperative parcel:
 3259
 3260 NOTICE OF CONTEST OF LIEN
 3261
 3262 TO: ...(Name and address of association)...†
 3263
 3264 You are notified that the undersigned contests the
 3265 claim of lien filed by you on, ...(year)..., and
 3266 recorded in Official Records Book at Page,
 3267 of the public records of ... County, Florida, and
 3268 that the time within which you may file suit to
 3269 enforce your lien is limited to 90 days from the date
 3270 of service of this notice. Executed this day of
 3271, ...(year)....
 3272 Signed: ...(Owner or Attorney)...
 3273
 3274 After notice of contest of lien has been recorded, the clerk of
 3275 the circuit court shall mail a copy of the recorded notice to
 3276 the association by certified mail, return receipt requested, at
 3277 the address shown in the claim of lien or most recent amendment
 3278 to it and shall certify to the service on the face of the
 3279 notice. Service is complete upon mailing. After service, the
 3280 association has 90 days in which to file an action to enforce
 3281 the lien. If the action is not filed within the 90-day period,
 3282 the lien is void. However, the 90-day period shall be extended

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3283 for any length of time during which the association is prevented
 3284 from filing its action because of an automatic stay resulting
 3285 from the filing of a bankruptcy petition by the unit owner or by
 3286 any other person claiming an interest in the parcel.

3287 Reviser's note.—Amended to remove extraneous punctuation.

3288 Section 84. Subsection (1) of section 720.303, Florida
 3289 Statutes, is amended to read:

3290 720.303 Association powers and duties; meetings of board;
 3291 official records; budgets; financial reporting; association
 3292 funds; recalls.—

3293 (1) POWERS AND DUTIES.—An association that operates a
 3294 community as defined in s. 720.301 must be operated by an
 3295 association that is a Florida corporation. After October 1,
 3296 1995, the association must be incorporated and the initial
 3297 governing documents must be recorded in the official records of
 3298 the county in which the community is located. An association may
 3299 operate more than one community. The officers and directors of
 3300 an association are subject to s. 617.0830 and have a fiduciary
 3301 relationship to the members who are served by the association.
 3302 The powers and duties of an association include those set forth
 3303 in this chapter and, except as expressly limited or restricted
 3304 in this chapter, those set forth in the governing documents.
 3305 After control of the association is obtained by members other
 3306 than the developer, the association may institute, maintain,
 3307 settle, or appeal actions or hearings in its name on behalf of
 3308 all members concerning matters of common interest to the
 3309 members, including, but not limited to, the common areas; roof
 3310 or structural components of a building, or other improvements
 3311 for which the association is responsible; mechanical,

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3312 electrical, or plumbing elements serving an improvement or
 3313 building for which the association is responsible;
 3314 representations of the developer pertaining to any existing or
 3315 proposed commonly used facility; and protest of ~~protesting~~ ad
 3316 valorem taxes on commonly used facilities. The association may
 3317 defend actions in eminent domain or bring inverse condemnation
 3318 actions. Before commencing litigation against any party in the
 3319 name of the association involving amounts in controversy in
 3320 excess of \$100,000, the association must obtain the affirmative
 3321 approval of a majority of the voting interests at a meeting of
 3322 the membership at which a quorum has been attained. This
 3323 subsection does not limit any statutory or common-law right of
 3324 any individual member or class of members to bring any action
 3325 without participation by the association. A member does not have
 3326 authority to act for the association by virtue of being a
 3327 member. An association may have more than one class of members
 3328 and may issue membership certificates. An association of 15 or
 3329 fewer parcel owners may enforce only the requirements of those
 3330 deed restrictions established prior to the purchase of each
 3331 parcel upon an affected parcel owner or owners.

3332 Reviser's note.—Amended to improve clarity.

3333 Section 85. Paragraph (a) of subsection (1) of section
 3334 720.3033, Florida Statutes, is amended to read:

3335 720.3033 Officers and directors.—

3336 (1) (a) Within 90 days after being elected or appointed to
 3337 the board, each director must submit a certificate of having
 3338 satisfactorily completed the educational curriculum administered
 3339 by a department-approved education provider.

3340 1. The newly elected or appointed director must complete

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3341 the department-approved education for newly elected or appointed
3342 directors within 90 days after being elected or appointed.

3343 2. The certificate of completion is valid for ~~a~~ up to 4
3344 years.

3345 3. A director must complete the education specific to newly
3346 elected or appointed directors at least every 4 years.

3347 4. The department-approved educational curriculum specific
3348 to newly elected or appointed directors must include training
3349 relating to financial literacy and transparency, recordkeeping,
3350 levying of fines, and notice and meeting requirements.

3351 5. In addition to the educational curriculum specific to
3352 newly elected or appointed directors:

3353 a. A director of an association that has fewer than 2,500
3354 parcels must complete at least 4 hours of continuing education
3355 annually.

3356 b. A director of an association that has 2,500 parcels or
3357 more must complete at least 8 hours of continuing education
3358 annually.

3359 Reviser's note.—Amended to confirm an editorial deletion to
3360 improve clarity.

3361 Section 86. Paragraph (d) of subsection (3) of section
3362 720.3075, Florida Statutes, is amended to read:

3363 720.3075 Prohibited clauses in association documents.—

3364 (3) Homeowners' association documents, including
3365 declarations of covenants, articles of incorporation, or bylaws,
3366 may not preclude:

3367 (d) A property owner or a tenant, a guest, or an invitee of
3368 the property owner from parking his or her personal vehicle,
3369 including a pickup truck, in the property owner's driveway, or

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3370 in any other area in ~~at~~ which the property owner or the property
3371 owner's tenant, guest, or invitee has a right to park as
3372 governed by state, county, and municipal regulations. The
3373 homeowners' association documents, including declarations of
3374 covenants, articles of incorporation, or bylaws, may not
3375 prohibit, regardless of any official insignia or visible
3376 designation, a property owner or a tenant, a guest, or an
3377 invitee of the property owner from parking his or her work
3378 vehicle, which is not a commercial motor vehicle as defined in
3379 s. 320.01(25), in the property owner's driveway.

3380 Reviser's note.—Amended to confirm an editorial substitution to
3381 conform to context.

3382 Section 87. Subsection (3) of section 738.505, Florida
3383 Statutes, is amended to read:

3384 738.505 Reimbursement of principal from income.—

3385 (3) If an asset whose ownership gives rise to a principal
3386 disbursement becomes subject to a successive interest after an
3387 income interest ends, the fiduciary may ~~to~~ make transfers under
3388 subsection (1).

3389 Reviser's note.—Amended to confirm an editorial deletion to
3390 improve clarity.

3391 Section 88. Paragraph (a) of subsection (1) of section
3392 812.141, Florida Statutes, is amended to read:

3393 812.141 Offenses involving critical infrastructure;
3394 improper tampering; civil remedies; trespass on critical
3395 infrastructure; computer offenses involving critical
3396 infrastructure.—

3397 (1) For purposes of this section, the term:

3398 (a) "Critical infrastructure" means:

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- 3399 1. Any linear asset; or
 3400 2. Any of the following for which the owner or operator
 3401 thereof has employed measures designed to exclude unauthorized
 3402 persons, including, but not limited to, fences, barriers, guard
 3403 posts, or signs prohibiting trespass:
- 3404 a. An electric power generation, transmission, or
 3405 distribution facility, or a substation, a switching station, or
 3406 an electrical control center.
- 3407 b. A chemical or rubber manufacturing or storage facility.
 3408 c. A mining facility.
- 3409 d. A natural gas or compressed gas compressor station or
 3410 storage facility.
- 3411 e. A gas processing plant, including a plant used in the
 3412 processing, treatment, or fractionation of natural gas.
- 3413 f. A liquid natural gas or propane gas terminal or storage
 3414 facility with a capacity of 4,000 gallons or more.
- 3415 g. A wireless or wired communications facility, including
 3416 the tower, antennas ~~antennae~~, support structures, and all
 3417 associated ground-based equipment.
- 3418 h. A water intake structure, water treatment facility,
 3419 wastewater treatment plant, pump station, or lift station.
- 3420 i. A seaport listed in s. 311.09.
- 3421 j. A railroad switching yard, trucking terminal, or other
 3422 freight transportation facility.
- 3423 k. An airport as defined in s. 330.27.
- 3424 l. A spaceport territory as defined in s. 331.303.
- 3425 m. A transmission facility used by a federally licensed
 3426 radio or television station.
- 3427 n. A military base or military facility conducting research

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- 3428 and development of military weapons systems, subsystems,
 3429 components, or parts.
- 3430 o. A civilian defense industrial base conducting research
 3431 and development of military weapons systems, subsystems,
 3432 components, or parts.
- 3433 p. A dam as defined in s. 373.403(1), or other water
 3434 control structures such as locks, floodgates, or dikes that are
 3435 designed to maintain or control the level of navigable
 3436 waterways.
- 3437 Reviser's note.—Amended to conform to the general usage of
 3438 "antennas" when referencing transducers and "antennae" when
 3439 referencing insect parts.
- 3440 Section 89. Paragraph (b) of subsection (1) of section
 3441 828.30, Florida Statutes, is amended to read:
- 3442 828.30 Rabies vaccination of dogs, cats, and ferrets.—
 3443 (1)
- 3444 (b) Acting under the indirect supervision of a
 3445 veterinarian, an employee, an agent, or a contractor of a county
 3446 or municipal animal control authority or sheriff may vaccinate
 3447 against rabies dogs, cats, and ferrets that are in the custody
 3448 of an animal control authority or a sheriff and which ~~that~~ will
 3449 be transferred, rescued, fostered, adopted, or reclaimed by the
 3450 owner. The supervising veterinarian assumes responsibility for
 3451 any person vaccinating animals at his or her direction or under
 3452 his or her direct or indirect supervision. As used in this
 3453 paragraph, the term "indirect supervision" means that the
 3454 supervising veterinarian is required to be available for
 3455 consultation through telecommunications but is not required to
 3456 be physically present during such consultation.

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3457 Reviser's note.—Amended to confirm an editorial insertion and an
 3458 editorial substitution to improve clarity.

3459 Section 90. Subsection (8) of section 895.02, Florida
 3460 Statutes, as amended by section 12 of chapter 2025-1, Laws of
 3461 Florida, is reenacted to read:

3462 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

3463 (8) "Racketeering activity" means to commit, to attempt to
 3464 commit, to conspire to commit, or to solicit, coerce, or
 3465 intimidate another person to commit:

3466 (a) Any crime that is chargeable by petition, indictment,
 3467 or information under the following provisions of the Florida
 3468 Statutes:

3469 1. Section 104.155(2), relating to aiding or soliciting a
 3470 noncitizen in voting.

3471 2. Section 210.18, relating to evasion of payment of
 3472 cigarette taxes.

3473 3. Section 316.1935, relating to fleeing or attempting to
 3474 elude a law enforcement officer and aggravated fleeing or
 3475 eluding.

3476 4. Chapter 379, relating to the illegal sale, purchase,
 3477 collection, harvest, capture, or possession of wild animal life,
 3478 freshwater aquatic life, or marine life, and related crimes.

3479 5. Section 403.727(3)(b), relating to environmental
 3480 control.

3481 6. Section 409.920 or s. 409.9201, relating to Medicaid
 3482 fraud.

3483 7. Section 414.39, relating to public assistance fraud.

3484 8. Section 440.105 or s. 440.106, relating to workers'
 3485 compensation.

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3486 9. Section 443.071(4), relating to creation of a fictitious
 3487 employer scheme to commit reemployment assistance fraud.

3488 10. Section 465.0161, relating to distribution of medicinal
 3489 drugs without a permit as an Internet pharmacy.

3490 11. Section 499.0051, relating to crimes involving
 3491 contraband, adulterated, or misbranded drugs.

3492 12. Part IV of chapter 501, relating to telemarketing.

3493 13. Chapter 517, relating to sale of securities and
 3494 investor protection.

3495 14. Section 550.235 or s. 550.3551, relating to dogracing
 3496 and horseracing.

3497 15. Chapter 550, relating to jai alai frontons.

3498 16. Section 551.109, relating to slot machine gaming.

3499 17. Chapter 552, relating to the manufacture, distribution,
 3500 and use of explosives.

3501 18. Chapter 560, relating to money transmitters, if the
 3502 violation is punishable as a felony.

3503 19. Chapter 562, relating to beverage law enforcement.

3504 20. Section 624.401, relating to transacting insurance
 3505 without a certificate of authority, s. 624.437(4)(c)1., relating
 3506 to operating an unauthorized multiple-employer welfare
 3507 arrangement, or s. 626.902(1)(b), relating to representing or
 3508 aiding an unauthorized insurer.

3509 21. Section 655.50, relating to reports of currency
 3510 transactions, when such violation is punishable as a felony.

3511 22. Chapter 687, relating to interest and usurious
 3512 practices.

3513 23. Section 721.08, s. 721.09, or s. 721.13, relating to
 3514 real estate timeshare plans.

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3515 24. Section 775.13(5)(b), relating to registration of
 3516 persons found to have committed any offense for the purpose of
 3517 benefiting, promoting, or furthering the interests of a criminal
 3518 gang.

3519 25. Section 777.03, relating to commission of crimes by
 3520 accessories after the fact.

3521 26. Chapter 782, relating to homicide.

3522 27. Chapter 784, relating to assault and battery.

3523 28. Chapter 787, relating to kidnapping, human smuggling,
 3524 or human trafficking.

3525 29. Chapter 790, relating to weapons and firearms.

3526 30. Chapter 794, relating to sexual battery, but only if
 3527 such crime was committed with the intent to benefit, promote, or
 3528 further the interests of a criminal gang, or for the purpose of
 3529 increasing a criminal gang member's own standing or position
 3530 within a criminal gang.

3531 31. Former s. 796.03, former s. 796.035, s. 796.04, s.
 3532 796.05, or s. 796.07, relating to prostitution.

3533 32. Chapter 806, relating to arson and criminal mischief.

3534 33. Chapter 810, relating to burglary and trespass.

3535 34. Chapter 812, relating to theft, robbery, and related
 3536 crimes.

3537 35. Chapter 815, relating to computer-related crimes.

3538 36. Chapter 817, relating to fraudulent practices, false
 3539 pretenses, fraud generally, credit card crimes, and patient
 3540 brokering.

3541 37. Chapter 825, relating to abuse, neglect, or
 3542 exploitation of an elderly person or disabled adult.

3543 38. Section 827.071, relating to commercial sexual

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3544 exploitation of children.

3545 39. Section 828.122, relating to fighting or baiting
 3546 animals.

3547 40. Chapter 831, relating to forgery and counterfeiting.

3548 41. Chapter 832, relating to issuance of worthless checks
 3549 and drafts.

3550 42. Section 836.05, relating to extortion.

3551 43. Chapter 837, relating to perjury.

3552 44. Chapter 838, relating to bribery and misuse of public
 3553 office.

3554 45. Chapter 843, relating to obstruction of justice.

3555 46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 3556 s. 847.07, relating to obscene literature and profanity.

3557 47. Chapter 849, relating to gambling, lottery, gambling or
 3558 gaming devices, slot machines, or any of the provisions within
 3559 that chapter.

3560 48. Chapter 874, relating to criminal gangs.

3561 49. Chapter 893, relating to drug abuse prevention and
 3562 control.

3563 50. Chapter 896, relating to offenses related to financial
 3564 transactions.

3565 51. Sections 914.22 and 914.23, relating to tampering with
 3566 or harassing a witness, victim, or informant, and retaliation
 3567 against a witness, victim, or informant.

3568 52. Sections 918.12 and 918.13, relating to tampering with
 3569 jurors and evidence.

3570 (b) Any conduct defined as "racketeering activity" under 18
 3571 U.S.C. s. 1961(1).

3572 (c) Any violation of Title 68, Florida Administrative Code,

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3573 relating to the illegal sale, purchase, collection, harvest,
 3574 capture, or possession of wild animal life, freshwater aquatic
 3575 life, or marine life, and related crimes.
 3576 Reviser's note.—Section 12, ch. 2025-1, Laws of Florida,
 3577 purported to amend subsection (8), without publishing
 3578 paragraphs (b) and (c). Absent affirmative evidence of
 3579 legislative intent to repeal the omitted paragraphs,
 3580 subsection (8) is reenacted here to confirm that the
 3581 omission was not intended.
 3582 Section 91. Paragraph (e) of subsection (3) of section
 3583 921.0022, Florida Statutes, is amended to read:
 3584 921.0022 Criminal Punishment Code; offense severity ranking
 3585 chart.—
 3586 (3) OFFENSE SEVERITY RANKING CHART
 3587 (e) LEVEL 5
 3588

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of

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3592 fuel; obtaining fuel fraudulently.
 322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
 3593 327.30(5) 3rd Vessel accidents involving personal injury; leaving scene.
 3594 379.365(2)(c)1. 3rd Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting,

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or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

3595

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

3596

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

3597

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

3598

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

3599

440.105(5)

2nd

Unlawful solicitation

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for the purpose of making workers' compensation claims.

3600

440.381(2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

3601

624.401(4)(b)2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

3602

626.902(1)(c)

2nd

Representing an unauthorized insurer; repeat offender.

3603

790.01(3)

3rd

Unlawful carrying of a concealed firearm.

3604

790.162

2nd

Threat to throw or discharge destructive device.

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3605	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3606	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
3607	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3608	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
3609	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3610	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3611	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with

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			intent to damage any structure or property.
3612	<u>810.145(4)</u> 810.145(4)(e)	3rd	Commercial digital voyeurism dissemination.
3613	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
3614	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
3615	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
3616	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3617	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
3618	812.015(8)(f)	3rd	Retail theft; multiple

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				thefts within specified period.
3619	812.015(8)(g)	3rd		Retail theft; committed with specified number of other persons.
3620	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
3621	812.081(3)	2nd		Trafficking in trade secrets.
3622	812.131(2)(b)	3rd		Robbery by sudden snatching.
3623	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
3624	817.034(4)(a)2.	2nd		Communications fraud, value \$20,000 to \$50,000.
3625	817.234(11)(b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
3626	817.2341(1),	3rd		Filing false financial

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				(2)(a) & (3)(a)
				statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
3627	817.568(2)(b)	2nd		Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
3628	817.611(2)(a)	2nd		Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3629	817.625(2)(b)	2nd		Second or subsequent fraudulent use of scanning device, skimming device, or

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reencoder.

3630

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

3631

828.12(2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

3632

836.14(4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

3633

839.13(2)(b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

3634

843.01(1)

3rd

Resist officer with violence to person; resist arrest with

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violence.

3635

847.0135(5)(b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

3636

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

3637

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

3638

874.05(1)(b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

3639

874.05(2)(a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

3640

893.13(1)(a)1.

2nd

Sell, manufacture, or

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deliver cocaine (or
other s. 893.03(1) (a),
(1) (b), (1) (d), (2) (a),
(2) (b), or (2) (c)5.
drugs).

3641

893.13(1) (c)2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1) (c),
(2) (c)1., (2) (c)2.,
(2) (c)3., (2) (c)6.,
(2) (c)7., (2) (c)8.,
(2) (c)9., (2) (c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

3642

893.13(1) (d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1) (a),
(1) (b), (1) (d), (2) (a),
(2) (b), or (2) (c)5.
drugs) within 1,000 feet
of university.

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3643

893.13(1) (e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited
under s. 893.03(1) (c),
(2) (c)1., (2) (c)2.,
(2) (c)3., (2) (c)6.,
(2) (c)7., (2) (c)8.,
(2) (c)9., (2) (c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

3644

893.13(1) (f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1) (a),
(1) (b), (1) (d), or
(2) (a), (2) (b), or
(2) (c)5. drugs) within
1,000 feet of public
housing facility.

3645

893.13(4) (b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

3646

893.1351(1)

3rd

Ownership, lease, or

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rental for trafficking
in or manufacturing of
controlled substance.

3647

3648 Reviser's note.—Amended to correct a cross-reference to conform
3649 to the redesignation by the editors of s. 810.145(4)(c) as
3650 a reversion.

3651 Section 92. Subsection (2) of section 938.10, Florida
3652 Statutes, is amended to read:

3653 938.10 Additional court cost imposed in cases of certain
3654 crimes.—

3655 (2) Each month the clerk of the court shall transfer \$50
3656 from the proceeds of the court cost to the Department of Revenue
3657 for deposit into the Department of Children and Families' Grants
3658 and Donations Trust Fund for disbursement to the Statewide
3659 Guardian ad Litem Office ~~Office of the Statewide Guardian Ad~~
3660 ~~Litem~~ and \$100 to the Department of Revenue for deposit into the
3661 Department of Children and Families' Grants and Donations Trust
3662 Fund for disbursement to the Florida Network of Children's
3663 Advocacy Centers, Inc., for the purpose of funding children's
3664 advocacy centers that are members of the network. The clerk
3665 shall retain \$1 from each sum collected as a service charge.

3666 Reviser's note.—Amended to confirm an editorial substitution to
3667 conform to the correct name of the office.

3668 Section 93. Paragraph (d) of subsection (7) of section
3669 985.433, Florida Statutes, is amended to read:

3670 985.433 Disposition hearings in delinquency cases.—When a
3671 child has been found to have committed a delinquent act, the
3672 following procedures shall be applicable to the disposition of

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3673 the case:

3674 (7) If the court determines that the child should be
3675 adjudicated as having committed a delinquent act and should be
3676 committed to the department, such determination shall be in
3677 writing or on the record of the hearing. The determination shall
3678 include a specific finding of the reasons for the decision to
3679 adjudicate and to commit the child to the department, including
3680 any determination that the child was a member of a criminal
3681 gang.

3682 (d) Any child adjudicated by the court and committed to the
3683 department under a restrictiveness level described in s.
3684 985.03(44)(a)-(c) ~~985.03(44)(a)-(d)~~ for any offense or attempted
3685 offense involving a firearm must be placed on conditional
3686 release, as defined in s. 985.03, for a period of 1 year
3687 following his or her release from a commitment program. Such
3688 term of conditional release shall include electronic monitoring
3689 of the child by the department for the initial 6 months
3690 following his or her release and at times and under terms and
3691 conditions set by the department.

3692 Reviser's note.—Amended to correct a cross-reference. Section 9,
3693 ch. 2024-133, Laws of Florida, deleted s. 985.03(44)(a) and
3694 redesignated paragraphs (b)-(d) as paragraphs (a)-(c).
3695 Section 94. Paragraph (c) of subsection (2) of section
3696 1001.372, Florida Statutes, is amended to read:

3697 1001.372 District school board meetings.—

3698 (2) PLACE OF MEETINGS.—

3699 (c) For the purpose of this section, due public notice
3700 shall consist of, at least 2 days prior to the meeting:
3701 continuous publication on a publicly accessible website as

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3702 provided in s. 50.0311 or the official district school board
 3703 website; ~~by~~ publication in a newspaper of general circulation in
 3704 the county, or in each county where there is no newspaper of
 3705 general circulation in the county, an announcement over at least
 3706 one radio station whose signal is generally received in the
 3707 county, a reasonable number of times daily during the 48 hours
 3708 immediately preceding the date of such meeting; or ~~by~~ posting a
 3709 notice at the courthouse door if no newspaper is published in
 3710 the county.

3711 Reviser's note.—Amended to confirm editorial deletions to
 3712 conform to context.

3713 Section 95. Subsection (3) of section 1001.47, Florida
 3714 Statutes, is amended to read:

3715 1001.47 District school superintendent; salary.—

3716 (3) The adjusted base salaries of elected district school
 3717 superintendents shall be increased annually as provided for in
 3718 s. 145.19. ~~Any salary previously paid to elected~~
 3719 ~~superintendents, including the salary calculated for fiscal~~
 3720 ~~years 2002-2003 and 2003-2004, which was consistent with chapter~~
 3721 ~~145 and s. 230.303, Florida Statutes (2001), is hereby ratified~~
 3722 ~~and validated.~~

3723 Reviser's note.—Amended to delete obsolete language.

3724 Section 96. Subsection (9) of section 1001.706, Florida
 3725 Statutes, is amended to read:

3726 1001.706 Powers and duties of the Board of Governors.—

3727 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors
 3728 shall implement a plan for working on a regular basis with the
 3729 State Board of Education, the Commission for Independent
 3730 Education, the Office of Reimagining Education and Career Help

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3731 ~~Florida Talent Development Council~~, the Articulation
 3732 Coordinating Committee, the university boards of trustees,
 3733 representatives of the Florida College System institution boards
 3734 of trustees, representatives of the private colleges and
 3735 universities, and representatives of the district school boards
 3736 to achieve a seamless education system.

3737 Reviser's note.—Amended to conform to the fact that s. 1004.015,
 3738 which created the Florida Talent Development Council, was
 3739 repealed by s. 9, ch. 2024-125, Laws of Florida. The duties
 3740 of the former Florida Talent Development Council now fall
 3741 under the purview of the Office of Reimagining Education
 3742 and Career Help per the revision of its duties by s. 1, ch.
 3743 2024-125.

3744 Section 97. Paragraph (b) of subsection (17) of section
 3745 1002.33, Florida Statutes, is amended to read:

3746 1002.33 Charter schools.—

3747 (17) FUNDING.—Students enrolled in a charter school,
 3748 regardless of the sponsorship, shall be funded based upon the
 3749 applicable program pursuant to s. 1011.62(1)(c), the same as
 3750 students enrolled in other public schools in a school district.
 3751 Funding for a charter lab school shall be as provided in s.
 3752 1002.32.

3753 (b)1. Funding for students enrolled in a charter school
 3754 sponsored by a school district shall be the sum of the school
 3755 district's operating funds from the Florida Education Finance
 3756 Program as defined in s. 1011.61(5) and the General
 3757 Appropriations Act, including gross state and local funds, and
 3758 funds from the school district's current operating discretionary
 3759 millage levy; divided by total funded weighted full-time

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3760 equivalent students in the school district; and multiplied by
 3761 the weighted full-time equivalent students for the charter
 3762 school. Charter schools whose students or programs meet the
 3763 eligibility criteria in law are entitled to their proportionate
 3764 share of categorical program funds included in the total funds
 3765 available in the Florida Education Finance Program by the
 3766 Legislature, including the student transportation allocation and
 3767 the educational enrichment allocation. Total funding for each
 3768 charter school shall be recalculated during the year to reflect
 3769 the revised calculations under the Florida Education Finance
 3770 Program by the state and the actual weighted full-time
 3771 equivalent students reported by the charter school during the
 3772 full-time equivalent student survey periods designated by the
 3773 Commissioner of Education. For charter schools operated by a
 3774 not-for-profit or municipal entity, any unrestricted current and
 3775 capital assets identified in the charter school's annual
 3776 financial audit may be used for other charter schools operated
 3777 by the not-for-profit or municipal entity within the school
 3778 district. For charter schools operated by a not-for-profit
 3779 entity, any unrestricted current or capital assets identified in
 3780 the charter school's annual audit may be used for other charter
 3781 schools operated by the not-for-profit entity which are located
 3782 outside of the originating charter school's school district, but
 3783 within the state, through an unforgivable loan that must be
 3784 repaid within 5 years to the originating charter school by the
 3785 receiving charter school. Unrestricted current assets shall be
 3786 used in accordance with s. 1011.62, and any unrestricted capital
 3787 assets shall be used in accordance with s. 1013.62(2).
 3788 2.a. Funding for students enrolled in a charter school

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3789 sponsored by a state university or Florida College System
 3790 institution pursuant to paragraph (5) (a) shall be provided in
 3791 the Florida Education Finance Program as defined in s.
 3792 1011.61(5) and as specified in the General Appropriations Act.
 3793 The calculation to determine the amount of state funds includes
 3794 the sum of the basic amount for current operations established
 3795 in s. 1011.62(1)(s), the discretionary millage compression
 3796 supplement established in s. 1011.62(5), and the state-funded
 3797 discretionary contribution established in s. 1011.62(6). Charter
 3798 schools whose students or programs meet the eligibility criteria
 3799 in law are entitled to their proportionate share of categorical
 3800 program funds included in the total funds available in the
 3801 Florida Education Finance Program. The Florida College System
 3802 institution or state university sponsoring the charter school
 3803 shall be the fiscal agent for these funds, and all rules of the
 3804 institution governing the budgeting and expenditure of state
 3805 funds shall apply to these funds unless otherwise provided by
 3806 law or rule of the State Board of Education.
 3807 (I) The nonvoted required local millage established
 3808 pursuant to s. 1011.71(1) that would otherwise be required for
 3809 the charter schools shall be allocated from state funds.
 3810 (II) An equivalent amount of funds for the operating
 3811 discretionary millage authorized pursuant to s. 1011.71(1) shall
 3812 be allocated to each charter school through a state-funded
 3813 discretionary contribution established pursuant to s.
 3814 1011.62(6).
 3815 (III) The comparable wage factor as provided in s.
 3816 1011.62(2) shall be established as 1.000.
 3817 b. Total funding for each charter school shall be

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3818 recalculated during the year to reflect the revised calculations
3819 under the Florida Education Finance Program by the state and the
3820 actual weighted full-time equivalent students reported by the
3821 charter school during the full-time equivalent student survey
3822 periods designated by the Commissioner of Education.

3823 c. The Department of Education shall develop a tool that
3824 each state university or Florida College System institution
3825 sponsoring a charter school shall use for purposes of
3826 calculating the funding amount for each eligible charter school
3827 student. The total amount obtained from the calculation must be
3828 appropriated from state funds in the General Appropriations Act
3829 to the charter school.

3830 d. Capital outlay funding for a charter school sponsored by
3831 a state university or Florida College System institution
3832 pursuant to paragraph (5)(a) is determined as follows: multiply
3833 the maximum allowable nonvoted discretionary millage under s.
3834 1011.71(2) by 96 percent of the current year's taxable value for
3835 school purposes for the district in which the charter school is
3836 located; divide the result by the total full-time equivalent
3837 student membership; and multiply the result by the full-time
3838 equivalent student membership of the charter school. The amount
3839 obtained shall be the discretionary capital improvement funds
3840 and shall be appropriated from state funds in the General
3841 Appropriations Act.

3842 Reviser's note.—Amended to confirm an editorial insertion to
3843 improve clarity.

3844 Section 98. Paragraph (c) of subsection (6), paragraph (b)
3845 of subsection (9), and paragraph (b) of subsection (10) of
3846 section 1002.394, Florida Statutes, are amended to read:

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3847 1002.394 The Family Empowerment Scholarship Program.—

3848 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
3849 a Family Empowerment Scholarship while he or she is:

3850 (c) Receiving any other educational scholarship pursuant to
3851 this chapter. However, an eligible public school student
3852 receiving a scholarship under s. 1002.411 may receive a stipend
3853 ~~scholarship~~ for transportation pursuant to s. 1002.31(7)
3854 ~~subparagraph (4)(a)2;~~

3855 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
3856 eligible to participate in the Family Empowerment Scholarship
3857 Program, a private school may be sectarian or nonsectarian and
3858 must:

3859 (b) Provide to the organization all documentation required
3860 for a student's participation, including confirmation of the
3861 student's admission to the private school, the private school's
3862 and student's fee schedules, and any other information required
3863 by the organization to process scholarship payment under
3864 subparagraph (12)(a)3. ~~(12)(a)4.~~ Such information must be
3865 provided by the deadlines established by the organization and in
3866 accordance with the requirements of this section. A student is
3867 not eligible to receive a quarterly scholarship payment if the
3868 private school fails to meet the deadline.

3869
3870 If a private school fails to meet the requirements of this
3871 subsection or s. 1002.421, the commissioner may determine that
3872 the private school is ineligible to participate in the
3873 scholarship program.

3874 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
3875 PARTICIPATION.—

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3876 (b) A parent who applies for a scholarship under paragraph
3877 (3) (b) is exercising his or her parental option to determine the
3878 appropriate placement or the services that best meet the needs
3879 of his or her child and must:

3880 1. Apply to an eligible nonprofit scholarship-funding
3881 organization to participate in the program by a date set by the
3882 organization. The request must be communicated directly to the
3883 organization in a manner that creates a written or electronic
3884 record of the request and the date of receipt of the request.

3885 2.a. Beginning with new applications for the 2025-2026
3886 school year and thereafter, notify the organization by December
3887 15 that the scholarship is being accepted or declined.

3888 b. Beginning with renewal applications for the 2025-2026
3889 school year and thereafter, notify the organization by May 31
3890 that the scholarship is being renewed or declined.

3891 3. Sign an agreement with the organization and annually
3892 submit a sworn compliance statement to the organization to
3893 satisfy or maintain program eligibility, including eligibility
3894 to receive and spend program payments by:

3895 a. Affirming that the student is enrolled in a program that
3896 meets regular school attendance requirements as provided in s.
3897 1003.01(16) (b), (c), or (d).

3898 b. Affirming that the program funds are used only for
3899 authorized purposes serving the student's educational needs, as
3900 described in paragraph (4) (b); that any prepaid college plan or
3901 college savings plan funds contributed pursuant to subparagraph
3902 (4) (b) 6. will not be transferred to another beneficiary while
3903 the plan contains funds contributed pursuant to this section;
3904 and that they will not receive a payment, refund, or rebate of

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3905 any funds provided under this section.

3906 c. Affirming that the parent is responsible for all
3907 eligible expenses in excess of the amount of the scholarship and
3908 for the education of his or her student by, as applicable:

3909 (I) Requiring the student to take an assessment in
3910 accordance with paragraph (9) (c);

3911 (II) Providing an annual evaluation in accordance with s.
3912 1002.41(1) (f); or

3913 (III) Requiring the child to take any preassessments and
3914 postassessments selected by the provider if the child is 4 years
3915 of age and is enrolled in a program provided by an eligible
3916 Voluntary Prekindergarten Education Program provider. A student
3917 with disabilities for whom the physician or psychologist who
3918 issued the diagnosis or the IEP team determines that a
3919 preassessment and postassessment is not appropriate is exempt
3920 from this requirement. A participating provider shall report a
3921 student's scores to the parent.

3922 d. Affirming that the student remains in good standing with
3923 the provider or school if those options are selected by the
3924 parent.

3925 e. Enrolling his or her child in a program from a Voluntary
3926 Prekindergarten Education Program provider authorized under s.
3927 1002.55, a school readiness provider authorized under s.
3928 1002.88, a prekindergarten program offered by an eligible
3929 private school, or an eligible private school if selected by the
3930 parent.

3931 f. Comply with the scholarship application and renewal
3932 processes and requirements established by the organization. A
3933 student whose participation in the program is not renewed may

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3934 continue to spend scholarship funds that are in his or her
 3935 account from prior years unless the account must be closed
 3936 pursuant to subparagraph (5) (b)3. Notwithstanding any changes to
 3937 the student's IEP, a student who was previously eligible for
 3938 participation in the program shall remain eligible to apply for
 3939 renewal. However, for a high-risk child to continue to
 3940 participate in the program in the school year after he or she
 3941 reaches 6 years of age, the child's application for renewal of
 3942 program participation must contain documentation that the child
 3943 has a disability defined in paragraph (2) (e) other than high-
 3944 risk status.

3945 g. Procuring the services necessary to educate the student.
 3946 If such services include enrollment in an eligible private
 3947 school, the parent must meet with the private school's principal
 3948 or the principal's designee to review the school's academic
 3949 programs and policies, specialized services, code of student
 3950 conduct, and attendance policies before his or her student is
 3951 enrolled. The parent must also approve each payment to the
 3952 eligible private school before the scholarship funds may be
 3953 deposited by funds transfer pursuant to subparagraph (12) (a)3.
 3954 ~~(12) (a)4.~~ The parent may not designate any entity or individual
 3955 associated with the eligible private school as the parent's
 3956 attorney in fact to approve a funds transfer. When the student
 3957 receives a scholarship, the district school board is not
 3958 obligated to provide the student with a free appropriate public
 3959 education. For purposes of s. 1003.57 and the Individuals with
 3960 Disabilities in Education Act, a participating student has only
 3961 those rights that apply to all other unilaterally parentally
 3962 placed students, except that, when requested by the parent,

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3963 school district personnel must develop an IEP or matrix level of
 3964 services.

3965 Reviser's note.—Paragraph (6) (c) is amended to facilitate
 3966 correct interpretation and to correct a cross-reference.
 3967 Section 6, ch. 2024-230, Laws of Florida, deleted
 3968 subparagraph (4) (a)2., relating to program funds used for
 3969 transportation to a Florida public school in which a
 3970 student is enrolled and that is different from the school
 3971 to which the student was assigned or to a lab school as
 3972 defined in s. 1002.32; similar material relating to
 3973 stipends for transportation can be found at s. 1002.31(7),
 3974 created by s. 2, ch. 2024-230. Paragraphs (9) (b) and
 3975 (10) (b) are amended to conform to the redesignation of
 3976 subparagraph (12) (a)4. as subparagraph (12) (a)3. by s. 6,
 3977 ch. 2024-230.

3978 Section 99. Paragraph (b) of subsection (2), paragraph (c)
 3979 of subsection (4), paragraph (1) of subsection (6), and
 3980 paragraph (b) of subsection (7) of section 1002.395, Florida
 3981 Statutes, are amended to read:

3982 1002.395 Florida Tax Credit Scholarship Program.—

3983 (2) DEFINITIONS.—As used in this section, the term:

3984 (b) "Choice navigator" means an individual who meets the
 3985 requirements of sub-subparagraph (6) (d)4.g. ~~(6) (d)2.h.~~ and who
 3986 provides consultations, at a mutually agreed upon location, on
 3987 the selection of, application for, and enrollment in educational
 3988 options addressing the academic needs of a student; curriculum
 3989 selection; and advice on career and postsecondary education
 3990 opportunities. However, nothing in this section authorizes a
 3991 choice navigator to oversee or exercise control over the

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3992 curricula or academic programs of a personalized education
3993 program.

3994 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
3995 a scholarship while he or she is:

3996 (c) Receiving any other educational scholarship pursuant to
3997 this chapter. However, an eligible public school student
3998 receiving a scholarship under s. 1002.411 may receive a stipend
3999 ~~scholarship~~ for transportation pursuant to s. 1002.31(7)
4000 ~~subparagraph (6) (d) 4.~~;

4001 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
4002 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
4003 organization:

4004 (1)1. May use eligible contributions received pursuant to
4005 this section and ss. 212.099, 212.1831, and 212.1832 during the
4006 state fiscal year in which such contributions are collected for
4007 administrative expenses if the organization has operated as an
4008 eligible nonprofit scholarship-funding organization for at least
4009 the preceding 3 fiscal years and did not have any findings of
4010 material weakness or material noncompliance in its most recent
4011 audit under paragraph (o) or is in good standing in each state
4012 in which it administers a scholarship program and the audited
4013 financial statements for the preceding 3 fiscal years are free
4014 of material misstatements and going concern issues.

4015 Administrative expenses from eligible contributions may not
4016 exceed 3 percent of the total amount of all scholarships and
4017 stipends funded by an eligible scholarship-funding organization
4018 under this chapter. Such administrative expenses must be
4019 reasonable and necessary for the organization's management and
4020 distribution of scholarships funded under this chapter.

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4021 Administrative expenses may include developing or contracting
4022 with rideshare programs or facilitating carpool strategies for
4023 recipients of a transportation stipend ~~scholarship~~ under s.
4024 1002.31(7) ~~1002.394~~. No funds authorized under this subparagraph
4025 shall be used for lobbying or political activity or expenses
4026 related to lobbying or political activity. Up to one-third of
4027 the funds authorized for administrative expenses under this
4028 subparagraph may be used for expenses related to the recruitment
4029 of contributions from taxpayers. An eligible nonprofit
4030 scholarship-funding organization may not charge an application
4031 fee.

4032 2. Must expend for annual or partial-year scholarships 100
4033 percent of any eligible contributions from the prior fiscal
4034 year.

4035 3. Must expend for annual or partial-year scholarships an
4036 amount equal to or greater than 75 percent of all net eligible
4037 contributions, as defined in subsection (2), remaining after
4038 administrative expenses during the state fiscal year in which
4039 such eligible contributions are collected. No more than 25
4040 percent of such net eligible contributions may be carried
4041 forward to the following state fiscal year. All amounts carried
4042 forward, for audit purposes, must be specifically identified for
4043 particular students, by student name and the name of the school
4044 to which the student is admitted, subject to the requirements of
4045 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the
4046 applicable rules and regulations issued pursuant thereto. Any
4047 amounts carried forward shall be expended for annual or partial-
4048 year scholarships in the following state fiscal year. Eligible
4049 contributions remaining on June 30 of each year that are in

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4050 excess of the 25 percent that may be carried forward shall be
 4051 used to provide scholarships to eligible students or transferred
 4052 to other eligible nonprofit scholarship-funding organizations to
 4053 provide scholarships for eligible students. All transferred
 4054 funds must be deposited by each eligible nonprofit scholarship-
 4055 funding organization receiving such funds into its scholarship
 4056 account. All transferred amounts received by any eligible
 4057 nonprofit scholarship-funding organization must be separately
 4058 disclosed in the annual financial audit required under paragraph
 4059 (o).

4060 4. Must, before granting a scholarship for an academic
 4061 year, document each scholarship student's eligibility for that
 4062 academic year. A scholarship-funding organization may not grant
 4063 multiyear scholarships in one approval process.
 4064

4065 Information and documentation provided to the Department of
 4066 Education and the Auditor General relating to the identity of a
 4067 taxpayer that provides an eligible contribution under this
 4068 section shall remain confidential at all times in accordance
 4069 with s. 213.053.

4070 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 4071 PARTICIPATION.—

4072 (b) A parent whose student will not be enrolled full time
 4073 in a public or private school must:

4074 1. Apply to an eligible nonprofit scholarship-funding
 4075 organization to participate in the program as a personalized
 4076 education student by a date set by the organization. The request
 4077 must be communicated directly to the organization in a manner
 4078 that creates a written or electronic record of the request and

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4079 the date of receipt of the request. Beginning with new and
 4080 renewal applications for the 2025-2026 school year and
 4081 thereafter, a parent must notify the organization by May 31 that
 4082 the scholarship is being accepted, renewed, or declined.

4083 2. Sign an agreement with the organization and annually
 4084 submit a sworn compliance statement to the organization to
 4085 satisfy or maintain program eligibility, including eligibility
 4086 to receive and spend program payments, by:

4087 a. Affirming that the program funds are used only for
 4088 authorized purposes serving the student's educational needs, as
 4089 described in paragraph (6)(d), and that they will not receive a
 4090 payment, refund, or rebate of any funds provided under this
 4091 section.

4092 b. Affirming that the parent is responsible for all
 4093 eligible expenses in excess of the amount of the scholarship and
 4094 for the education of his or her student.

4095 c. Submitting a student learning plan to the organization
 4096 and revising the plan at least annually before program renewal.

4097 d. Requiring his or her student to take a nationally norm-
 4098 referenced test identified by the Department of Education, or a
 4099 statewide assessment under s. 1008.22, and provide assessment
 4100 results to the organization before the student's program
 4101 renewal.

4102 e. Complying with the scholarship application and renewal
 4103 processes and requirements established by the organization. A
 4104 student whose participation in the program is not renewed may
 4105 continue to spend scholarship funds that are in his or her
 4106 account from prior years unless the account must be closed
 4107 pursuant to s. 1002.394(5)(a)2.

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4108 f. Procuring the services necessary to educate the student.
 4109 When the student receives a scholarship, the district school
 4110 board is not obligated to provide the student with a free
 4111 appropriate public education.
 4112
 4113 For purposes of this paragraph, full-time enrollment does not
 4114 include enrollment at a private school that addresses regular
 4115 and direct contact with teachers through the student learning
 4116 plan in accordance with s. 1002.421(1)(i).
 4117
 4118 An eligible nonprofit scholarship-funding organization may not
 4119 further regulate, exercise control over, or require
 4120 documentation beyond the requirements of this subsection unless
 4121 the regulation, control, or documentation is necessary for
 4122 participation in the program.
 4123 Reviser's note.—Paragraph (2)(b) is amended to confirm an
 4124 editorial substitution to conform to the redesignation of
 4125 subparagraph (6)(d)2. as subparagraph (6)(d)4. by s. 4, ch.
 4126 2024-163, Laws of Florida, and the redesignation of sub-
 4127 subparagraph h. of that subparagraph as sub-subparagraph g.
 4128 by s. 7, ch. 2024-230, Laws of Florida. Paragraphs (4)(c)
 4129 and (6)(l) are amended to facilitate correct interpretation
 4130 and to correct cross-references. Section 6, ch. 2024-230,
 4131 deleted s. 1002.394(4)(a)2., and s. 7, ch. 2024-230,
 4132 deleted s. 1002.395(6)(d)2.b., both relating to program
 4133 funds used for transportation to a Florida public school in
 4134 which a student is enrolled and that is different from the
 4135 school to which the student was assigned or to a lab school
 4136 as defined in s. 1002.32; similar material relating to

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4137 stipends for transportation can be found at s. 1002.31(7),
 4138 created by s. 2, ch. 2024-230. Paragraph (7)(b) is amended
 4139 to confirm an editorial insertion to improve clarity.
 4140 Section 100. Section 1003.485, Florida Statutes, is
 4141 reenacted to read:
 4142 1003.485 The New Worlds Reading Initiative.—
 4143 (1) DEFINITIONS.—As used in this section, the term:
 4144 (a) "Administrator" means the University of Florida
 4145 Lastinger Center for Learning.
 4146 (b) "Annual tax credit amount" means, for any state fiscal
 4147 year, the sum of the amount of tax credits approved under
 4148 paragraph (5)(b), including tax credits to be taken under s.
 4149 211.0252, s. 212.1833, s. 220.1876, s. 561.1212, or s.
 4150 624.51056, which are approved for taxpayers whose taxable years
 4151 begin on or after January 1 of the calendar year preceding the
 4152 start of the applicable state fiscal year.
 4153 (c) "Department" means the Department of Education.
 4154 (d) "Division" means the Division of Alcoholic Beverages
 4155 and Tobacco of the Department of Business and Professional
 4156 Regulation.
 4157 (e) "Eligible contribution" means a monetary contribution
 4158 from a taxpayer, subject to the restrictions provided in this
 4159 section, to the administrator.
 4160 (f) "Initiative" means the New Worlds Reading Initiative.
 4161 (g) "Micro-credential" means evidence-based professional
 4162 learning activities grounded in the science of reading which are
 4163 competency-based, personalized, and on-demand. Educators must
 4164 demonstrate their competence via evidence submitted and reviewed
 4165 by trained evaluators.

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4166 (2) NEW WORLDS READING INITIATIVE; PURPOSE.—The purpose of
 4167 the New Worlds Reading Initiative established under the
 4168 department is to instill a love of reading by providing high-
 4169 quality, free books to students in prekindergarten through grade
 4170 5 who are reading below grade level and to improve the literacy
 4171 skills of students in prekindergarten through grade 12. The New
 4172 Worlds Reading Initiative shall consist of:

4173 (a) The program established under this section to provide
 4174 high-quality, free books to students.

4175 (b) The New Worlds Scholarship Program under s. 1002.411.

4176 (c) The New Worlds Scholar program under s. 1008.365, which
 4177 rewards high school students who instill a love of reading and
 4178 improve the literacy skills of students in kindergarten through
 4179 grade 3.

4180 (d) The New Worlds micro-credential program established
 4181 under this section which emphasizes strong core instruction and
 4182 a tiered model of reading interventions for struggling readers.

4183 (3) DEPARTMENT RESPONSIBILITIES.—The department shall:

4184 (a) Publish information about the initiative and tax
 4185 credits under subsection (5) on its website, including the
 4186 process for a taxpayer to select the administrator as the
 4187 recipient of funding through a tax credit.

4188 (b) Annually report on its website the number of students
 4189 participating in the initiative in each school district,
 4190 information from the annual financial report under paragraph
 4191 (4)(j), and the academic achievement and learning gains, as
 4192 applicable, of participating students based on data provided by
 4193 school districts as permitted under s. 1002.22. The department
 4194 shall establish a date by which the administrator and each

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4195 school district must annually provide the data necessary to
 4196 complete the report.

4197 (c) Provide the administrator with progress monitoring data
 4198 for eligible prekindergarten through grade 12 students within 30
 4199 days after the close of each progress monitoring period.

4200 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
 4201 shall:

4202 (a) Develop, in consultation with the Just Read, Florida!
 4203 Office under s. 1001.215, a selection of high-quality books
 4204 encompassing diverse subjects and genres for each grade level to
 4205 be mailed to students in the initiative.

4206 (b) Distribute books at no cost to students as provided in
 4207 paragraph (6)(c) either directly or through an agreement with a
 4208 book distribution company.

4209 (c) Assist local implementation of the initiative by
 4210 providing marketing materials to school districts and any
 4211 partnering nonprofit organizations to assist with public
 4212 awareness campaigns and other activities designed to increase
 4213 family engagement and instill a love of reading in students.

4214 (d) Maintain a clearinghouse for information on national,
 4215 state, and local nonprofit organizations that support efforts to
 4216 improve literacy and provide books to children.

4217 (e) Develop, for parents of students in the initiative,
 4218 resources and training materials that engage families in reading
 4219 and support the reading achievement of their students. The
 4220 administrator shall periodically send to parents hyperlinks to
 4221 these resources and materials, including video modules, via text
 4222 message and e-mail.

4223 (f) Provide professional learning and resources to teachers

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4224 that correlate with the books provided through the initiative.

4225 (g) Develop, in consultation with the Just Read, Florida!
4226 Office under s. 1001.215, an online repository of digital
4227 science of reading materials and science of reading
4228 instructional resources that is accessible to public school
4229 teachers, school leaders, parents, and educator preparation
4230 programs and associated faculty.

4231 (h) Develop a micro-credential that requires teachers to
4232 demonstrate competency to:

4233 1. Diagnose literacy difficulties and determine the
4234 appropriate range of literacy interventions based upon the age
4235 and literacy deficiency of the student;

4236 2. Use evidence-based instructional and intervention
4237 practices grounded in the science of reading, including
4238 strategies identified by the Just Read, Florida! Office pursuant
4239 to s. 1001.215(7); and

4240 3. Effectively use progress monitoring and intervention
4241 materials.

4242 (i) Administer the early literacy micro-credential program
4243 established under this section, which must include components on
4244 content, student learning, pedagogy, and professional learning
4245 and must build on a strong foundation of scientifically
4246 researched and evidence-based reading instructional and
4247 intervention programs that incorporate explicit, systematic, and
4248 sequential approaches to teaching phonemic awareness, phonics,
4249 vocabulary, fluency, and text comprehension and incorporate
4250 decodable or phonetic text instructional strategies, as
4251 identified by the Just Read, Florida! Office, pursuant to s.
4252 1001.215(7).

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4253 1. At a minimum, the micro-credential curriculum must be
4254 designed specifically for instructional personnel in
4255 prekindergarten through grade 3 based upon the strategies and
4256 techniques identified in s. 1002.59 and address foundational
4257 literacy skills of students in grades 4 through 12.

4258 2. The micro-credential must be competency based and
4259 designed for eligible instructional personnel to complete the
4260 credentialing process in no more than 60 hours, in an online
4261 format. The micro-credential may be delivered in an in-person
4262 format. Eligible instructional personnel may receive the micro-
4263 credential once competency is demonstrated even if it is before
4264 the completion of 60 hours.

4265 3. The micro-credential must be available by December 31,
4266 2022, at no cost, to instructional personnel as defined in s.
4267 1012.01(2); prekindergarten instructors as specified in ss.
4268 1002.55, 1002.61, and 1002.63; and child care personnel as
4269 defined in ss. 402.302(3) and 1002.88(1)(e).

4270 (j) Annually submit to the department an annual financial
4271 report that includes, at a minimum, the amount of eligible
4272 contributions received by the administrator; the amount spent on
4273 each activity required by this subsection, including
4274 administrative expenses; the number of micro-credentials and
4275 reading endorsements earned; and the number of students and
4276 households served under each component of the initiative, by
4277 school district, including the means by which additional
4278 literacy support was provided to students.

4279 (k) Maintain separate accounts for operating funds and
4280 funds for the purchase and delivery of books.

4281 (l) Expend eligible contributions received only for the

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4282 purchase and delivery of books and to implement the requirements
 4283 of this section, as well as for administrative expenses not to
 4284 exceed 2 percent of total eligible contributions.
 4285 Notwithstanding s. 1002.395(6)(l)3., the administrator may carry
 4286 forward up to 25 percent of eligible contributions made before
 4287 January 1 of each state fiscal year and 100 percent of eligible
 4288 contributions made on or after January 1 of each state fiscal
 4289 year to the following state fiscal year for purposes authorized
 4290 by this subsection. Any eligible contributions in excess of the
 4291 allowable carry forward not used to provide additional books
 4292 throughout the year to eligible students shall revert to the
 4293 state treasury.

4294 (m) Upon receipt of a contribution, provide the taxpayer
 4295 that made the contribution with a certificate of contribution. A
 4296 certificate of contribution must include the taxpayer's name
 4297 and, if available, its federal employer identification number;
 4298 the amount contributed; the date of contribution; and the name
 4299 of the administrator.

4300 (5) NEW WORLDS READING INITIATIVE TAX CREDITS;
 4301 APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

4302 (a) The tax credit cap amount is \$10 million for the 2021-
 4303 2022 state fiscal year, \$30 million for the 2022-2023 state
 4304 fiscal year, and \$60 million in each state fiscal year
 4305 thereafter.

4306 (b) Beginning October 1, 2021, a taxpayer may submit an
 4307 application to the Department of Revenue for a tax credit or
 4308 credits to be taken under one or more of s. 211.0252, s.
 4309 212.1833, s. 220.1876, s. 561.1212, or s. 624.51056.

4310 1. The taxpayer shall specify in the application each tax

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4311 for which the taxpayer requests a credit and the applicable
 4312 taxable year for a credit under s. 220.1876 or s. 624.51056 or
 4313 the applicable state fiscal year for a credit under s. 211.0252,
 4314 s. 212.1833, or s. 561.1212. For purposes of s. 220.1876, a
 4315 taxpayer may apply for a credit to be used for a prior taxable
 4316 year before the date the taxpayer is required to file a return
 4317 for that year pursuant to s. 220.222. For purposes of s.
 4318 624.51056, a taxpayer may apply for a credit to be used for a
 4319 prior taxable year before the date the taxpayer is required to
 4320 file a return for that prior taxable year pursuant to ss.
 4321 624.509 and 624.5092. The Department of Revenue shall approve
 4322 tax credits on a first-come, first-served basis and must obtain
 4323 the division's approval before approving a tax credit under s.
 4324 561.1212.

4325 2. Within 10 days after approving or denying an
 4326 application, the Department of Revenue shall provide a copy of
 4327 its approval or denial letter to the administrator.

4328 (c) If a tax credit approved under paragraph (b) is not
 4329 fully used within the specified state fiscal year for credits
 4330 under s. 211.0252, s. 212.1833, or s. 561.1212 or against taxes
 4331 due for the specified taxable year for credits under s. 220.1876
 4332 or s. 624.51056 because of insufficient tax liability on the
 4333 part of the taxpayer, the unused amount must be carried forward
 4334 for a period not to exceed 10 years. For purposes of s.
 4335 220.1876, a credit carried forward may be used in a subsequent
 4336 year after applying the other credits and unused carryovers in
 4337 the order provided in s. 220.02(8).

4338 (d) A taxpayer may not convey, transfer, or assign an
 4339 approved tax credit or a carryforward tax credit to another

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4340 entity unless all of the assets of the taxpayer are conveyed,
 4341 assigned, or transferred in the same transaction. However, a tax
 4342 credit under s. 211.0252, s. 212.1833, s. 220.1876, s. 561.1212,
 4343 or s. 624.51056 may be conveyed, transferred, or assigned
 4344 between members of an affiliated group of corporations if the
 4345 type of tax credit under s. 211.0252, s. 212.1833, s. 220.1876,
 4346 s. 561.1212, or s. 624.51056 remains the same. A taxpayer shall
 4347 notify the Department of Revenue of its intent to convey,
 4348 transfer, or assign a tax credit to another member within an
 4349 affiliated group of corporations. The amount conveyed,
 4350 transferred, or assigned is available to another member of the
 4351 affiliated group of corporations upon approval by the Department
 4352 of Revenue. The Department of Revenue shall obtain the
 4353 division's approval before approving a conveyance, transfer, or
 4354 assignment of a tax credit under s. 561.1212.

4355 (e) Within any state fiscal year, a taxpayer may rescind
 4356 all or part of a tax credit approved under paragraph (b). The
 4357 amount rescinded shall become available for that state fiscal
 4358 year to another eligible taxpayer approved by the Department of
 4359 Revenue if the taxpayer receives notice from the Department of
 4360 Revenue that the rescindment has been accepted by the Department
 4361 of Revenue. The Department of Revenue must obtain the division's
 4362 approval before accepting the rescindment of a tax credit under
 4363 s. 561.1212. Any amount rescinded under this paragraph must
 4364 become available to an eligible taxpayer on a first-come, first-
 4365 served basis based on tax credit applications received after the
 4366 date the rescindment is accepted by the Department of Revenue.

4367 (f) Within 10 days after approving or denying the
 4368 conveyance, transfer, or assignment of a tax credit under

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4369 paragraph (d), or the rescindment of a tax credit under
 4370 paragraph (e), the Department of Revenue shall provide a copy of
 4371 its approval or denial letter to the administrator. The
 4372 Department of Revenue shall also include the administrator on
 4373 all letters or correspondence of acknowledgment for tax credits
 4374 under s. 212.1833.

4375 (g) For purposes of calculating the underpayment of
 4376 estimated corporate income taxes under s. 220.34 and tax
 4377 installment payments for taxes on insurance premiums or
 4378 assessments under s. 624.5092, the final amount due is the
 4379 amount after credits earned under s. 220.1876 or s. 624.51056
 4380 for contributions to the administrator are deducted.

4381 1. For purposes of determining if a penalty or interest
 4382 under s. 220.34(2)(d)1. will be imposed for underpayment of
 4383 estimated corporate income tax, a taxpayer may, after earning a
 4384 credit under s. 220.1876, reduce any estimated payment in that
 4385 taxable year by the amount of the credit.

4386 2. For purposes of determining if a penalty under s.
 4387 624.5092 will be imposed, an insurer, after earning a credit
 4388 under s. 624.51056 for a taxable year, may reduce any
 4389 installment payment for such taxable year of 27 percent of the
 4390 amount of the net tax due as reported on the return for the
 4391 preceding year under s. 624.5092(2)(b) by the amount of the
 4392 credit.

4393 (6) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT
 4394 OBLIGATIONS.—

4395 (a) A student in prekindergarten through grade 5 must be
 4396 provided books through the initiative if the student is not yet
 4397 reading on grade level, has a substantial reading deficiency

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4398 identified under s. 1008.25(5)(a), has a substantial deficiency
 4399 in early literacy skills based upon the results of the
 4400 coordinated screening and progress monitoring under s.
 4401 1008.25(9), or scored below a Level 3 on the most recent
 4402 statewide, standardized English Language Arts assessment under
 4403 s. 1008.22.

4404 (b) Each school district shall notify the parent of a
 4405 student who meets the criteria under paragraph (a) that the
 4406 student is eligible to receive books at no cost through the New
 4407 Worlds Reading Initiative and provide the parent with the
 4408 application form developed by the administrator, which must
 4409 allow for the selection of specific book topics or genres for
 4410 the student.

4411 (c) Once an eligible student is identified, the school
 4412 district shall coordinate with the administrator to initiate
 4413 book delivery on a monthly basis during the school year, which
 4414 must begin no later than October and continue through at least
 4415 June.

4416 (d) Upon enrollment and at the beginning of each school
 4417 year, students must be provided options for specific book topics
 4418 or genres in order to maximize student interest in reading.

4419 (e) A student's eligibility for the initiative continues
 4420 until promotion to grade 6 or until the student's parent opts
 4421 out of the initiative.

4422 (f) Each school district shall participate in the
 4423 initiative by partnering with local nonprofit organizations,
 4424 raising awareness of the initiative using marketing materials
 4425 developed by the administrator, coordinating book delivery, and
 4426 identifying students and notifying parents pursuant to this

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4427 subsection.

4428 (g) Each school district shall coordinate with each charter
 4429 school it sponsors for purposes of identifying eligible
 4430 students, notifying parents, coordinating book delivery,
 4431 providing the opportunity to annually select book topics and
 4432 genres, and raising awareness of the initiative as provided by
 4433 this section.

4434 (h) School districts and partnering nonprofit organizations
 4435 shall raise awareness of the initiative, including information
 4436 on eligibility and video training modules under paragraph
 4437 (4)(e), through, at least, the following:

4438 1. The student handbook and the read-at-home plan under s.
 4439 1008.25(5)(d).

4440 2. A parent or curriculum night or separate initiative
 4441 awareness event at each elementary school.

4442 3. Partnering with the county library to host awareness
 4443 events, which should coincide with other initiatives such as
 4444 library card drives, family library nights, summer access
 4445 events, and other family engagement programming.

4446 (i) Each school district shall establish a data sharing
 4447 agreement with the initiative's administrator which allows for a
 4448 streamlined student verification and enrollment process.

4449 (7) ADMINISTRATION; RULES.—

4450 (a) The Department of Revenue, the division, and the
 4451 Department of Education may develop a cooperative agreement to
 4452 assist in the administration of this section, as needed.

4453 (b) The Department of Revenue may adopt rules necessary to
 4454 administer this section and ss. 211.0252, 212.1833, 220.1876,
 4455 561.1212, and 624.51056, including rules establishing

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4456 application forms, procedures governing the approval of tax
4457 credits and carryforward tax credits under subsection (5), and
4458 procedures to be followed by taxpayers when claiming approved
4459 tax credits on their returns.

4460 (c) The division may adopt rules necessary to administer
4461 its responsibilities under this section and s. 561.1212.

4462 (d) The Department of Education may adopt rules necessary
4463 to administer this section.

4464 (e) Notwithstanding any provision of s. 213.053 to the
4465 contrary, sharing information with the division related to this
4466 tax credit is considered the conduct of the Department of
4467 Revenue's official duties as contemplated in s. 213.053(8)(c),
4468 and the Department of Revenue and the division are specifically
4469 authorized to share information as needed to administer this
4470 section.

4471 Reviser's note.—Section 4, ch. 2024-162, Laws of Florida,
4472 purported to amend s. 1003.485, but did not publish
4473 subsection (5). Absent affirmative evidence of legislative
4474 intent to repeal it, s. 1003.485 is reenacted to confirm
4475 that the omission was not intended.

4476 Section 101. Paragraph (b) of subsection (6) of section
4477 1004.44, Florida Statutes, is amended to read:

4478 1004.44 Louis de la Parte Florida Mental Health Institute.—
4479 There is established the Louis de la Parte Florida Mental Health
4480 Institute within the University of South Florida.

4481 (6)

4482 (b) The center may:

4483 1. Convene groups, including, but not limited to,
4484 behavioral health clinicians, professionals, and workers, and

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4485 employers of such individuals; other health care providers;
4486 individuals with behavioral health conditions and their
4487 families; and business and industry leaders, policymakers, and
4488 educators, to assist the center in its work; and

4489 2. Request from any board as defined in s. 456.001 any
4490 information held by the board regarding a behavioral health
4491 professional licensed in this state or holding a multistate
4492 license pursuant to a professional multistate licensure compact
4493 or information reported to the board by employers of such
4494 behavioral health professionals, other than personal identifying
4495 information. The boards must provide such information to the
4496 center upon request.

4497 Reviser's note.—Amended to confirm an editorial insertion to
4498 improve clarity.

4499 Section 102. Subsection (5) of section 1004.647, Florida
4500 Statutes, is amended to read:

4501 1004.647 Florida Catastrophic Storm Risk Management
4502 Center.—The Florida Catastrophic Storm Risk Management Center is
4503 created at the Florida State University, College of Business,
4504 Department of Risk Management. The purpose of the center is to
4505 promote and disseminate research on issues related to
4506 catastrophic storm loss and to assist in identifying and
4507 developing education and research grant funding opportunities
4508 among higher education institutions in this state and the
4509 private sector. The purpose of the activities of the center is
4510 to support the state's ability to prepare for, respond to, and
4511 recover from catastrophic storms. The center shall:

4512 (5) Organize and sponsor conferences, symposiums ~~symposia~~,
4513 and workshops to educate consumers and policymakers.

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4514 Reviser's note.—Amended to conform usage in the Florida Statutes
 4515 to the preferred plural form of "symposium."
 4516 Section 103. Paragraph (g) of subsection (2) of section
 4517 1004.6499, Florida Statutes, is amended to read:
 4518 1004.6499 Florida Institute for Governance and Civics.—
 4519 (2) The goals of the institute are to:
 4520 (g) Create through scholarship, original research,
 4521 publications, symposiums ~~symposia~~, testimonials, and other means
 4522 a body of resources that can be accessed by students, scholars,
 4523 and government officials to understand the innovations in public
 4524 policy in this state over a rolling 30-year time period.
 4525 Reviser's note.—Amended to conform usage in the Florida Statutes
 4526 to the preferred plural form of "symposium."
 4527 Section 104. Paragraphs (c) and (e) of subsection (2) of
 4528 section 1004.64991, Florida Statutes, are amended to read:
 4529 1004.64991 The Adam Smith Center for Economic Freedom.—
 4530 (2) The goals of the center are to:
 4531 (c) Plan and host workshops, symposiums, and conferences to
 4532 allow students, scholars, and guests to engage ~~exchange~~ in civil
 4533 discussion of democracy and capitalism.
 4534 (e) Partner with the Institute for Freedom in the Americas
 4535 to support its mission, which includes promoting economic and
 4536 individual freedoms as a means for advancing human progress with
 4537 an emphasis on Latin America ~~American~~ and the Caribbean.
 4538 Reviser's note.—Paragraph (2) (c) is amended to improve clarity.
 4539 Paragraph (2) (e) is amended to confirm an editorial
 4540 substitution to conform to context.
 4541 Section 105. Paragraph (a) of subsection (4) of section
 4542 1004.76, Florida Statutes, is amended to read:

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4543 1004.76 Florida Martin Luther King, Jr., Institute for
 4544 Nonviolence.—
 4545 (4) The institute shall have the following powers and
 4546 duties:
 4547 (a) To conduct training, provide symposiums ~~symposia~~, and
 4548 develop continuing education and programs to promote skills in
 4549 nonviolent conflict resolution for persons in government,
 4550 private enterprise, community groups, and voluntary
 4551 associations.
 4552 Reviser's note.—Amended to conform usage in the Florida Statutes
 4553 to the preferred plural form of "symposium."
 4554 Section 106. Paragraphs (a) and (f) of subsection (6) of
 4555 section 1006.07, Florida Statutes, are amended to read:
 4556 1006.07 District school board duties relating to student
 4557 discipline and school safety.—The district school board shall
 4558 provide for the proper accounting for all students, for the
 4559 attendance and control of students at school, and for proper
 4560 attention to health, safety, and other matters relating to the
 4561 welfare of students, including:
 4562 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 4563 school superintendent shall establish policies and procedures
 4564 for the prevention of violence on school grounds, including the
 4565 assessment of and intervention with individuals whose behavior
 4566 poses a threat to the safety of the school community.
 4567 (a) *School safety specialist*.—Each district school
 4568 superintendent shall designate a school safety specialist for
 4569 the district. The school safety specialist must be a school
 4570 administrator employed by the school district or a law
 4571 enforcement officer employed by the sheriff's office located in

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4572 the school district. Any school safety specialist designated
 4573 from the sheriff's office must first be authorized and approved
 4574 by the sheriff employing the law enforcement officer. Any school
 4575 safety specialist designated from the sheriff's office remains
 4576 the employee of the office for purposes of compensation,
 4577 insurance, workers' compensation, and other benefits authorized
 4578 by law for a law enforcement officer employed by the sheriff's
 4579 office. The sheriff and the school superintendent may determine
 4580 by agreement the reimbursement for such costs, or may share the
 4581 costs, associated with employment of the law enforcement officer
 4582 as a school safety specialist. The school safety specialist must
 4583 earn a certificate of completion of the school safety specialist
 4584 training provided by the Office of Safe Schools within 1 year
 4585 after appointment and is responsible for the supervision and
 4586 oversight for all school safety and security personnel,
 4587 policies, and procedures in the school district. The school
 4588 safety specialist, or his or her designee, shall:

4589 1. In conjunction with the district school superintendent,
 4590 annually review school district policies and procedures for
 4591 compliance with state law and rules, including the district's
 4592 timely and accurate submission of school environmental safety
 4593 incident reports to the department pursuant to s. 1001.212(8).
 4594 At least quarterly, the school safety specialist must report to
 4595 the district school superintendent and the district school board
 4596 any noncompliance by the school district with laws or rules
 4597 regarding school safety.

4598 2. Provide the necessary training and resources to students
 4599 and school district staff in matters relating to youth mental
 4600 health awareness and assistance; emergency procedures, including

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4601 active shooter training; and school safety and security.

4602 3. Serve as the school district liaison with local public
 4603 safety agencies and national, state, and community agencies and
 4604 organizations in matters of school safety and security.

4605 4. In collaboration with the appropriate public safety
 4606 agencies, as that term is defined in s. 365.171, by October 1 of
 4607 each year, conduct a school security risk assessment at each
 4608 public school using the Florida Safe Schools Assessment Tool
 4609 developed by the Office of Safe Schools pursuant to s.
 4610 1006.1493. Based on the assessment findings, the district's
 4611 school safety specialist shall provide recommendations to the
 4612 district school superintendent and the district school board
 4613 which identify strategies and activities that the district
 4614 school board should implement in order to address the findings
 4615 and improve school safety and security. Each district school
 4616 board must receive such findings and the school safety
 4617 specialist's recommendations at a publicly noticed district
 4618 school board meeting to provide the public an opportunity to
 4619 hear the district school board members discuss and take action
 4620 on the findings and recommendations. Each school safety
 4621 specialist, through the district school superintendent, shall
 4622 report such findings and school board action to the Office of
 4623 Safe Schools within 30 days after the district school board
 4624 meeting.

4625 5. Conduct annual unannounced inspections, using the form
 4626 adopted by the Office of Safe Schools pursuant to s.
 4627 1001.212(13) ~~1001.212(14)~~, of all public schools, including
 4628 charter schools, while school is in session and investigate
 4629 reports of noncompliance with school safety requirements.

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4630 6. Report violations of paragraph (f) by administrative
4631 personnel and instructional personnel to the district school
4632 superintendent or charter school administrator, as applicable.

4633 (f) *School safety requirements.*—By August 1, 2024, each
4634 school district and charter school governing board shall comply
4635 with the following school safety requirements:

4636 1. All gates or other access points that restrict ingress
4637 to or egress from a school campus shall remain closed and locked
4638 when students are on campus. A gate or other campus access point
4639 may not be open or unlocked, regardless of whether it is during
4640 normal school hours, unless:

4641 a. Attended or actively staffed by a person when students
4642 are on campus;

4643 b. The use is in accordance with a shared use agreement
4644 pursuant to s. 1013.101; or

4645 c. The school safety specialist, or his or her designee,
4646 has documented in the Florida Safe Schools Assessment Tool
4647 portal maintained by the Office of Safe Schools that the gate or
4648 other access point is not subject to this requirement based upon
4649 other safety measures at the school. The office may conduct a
4650 compliance visit pursuant to s. 1001.212(13) ~~1001.212(14)~~ to
4651 review if such determination is appropriate.

4652 2. All school classrooms and other instructional spaces
4653 must be locked to prevent ingress when occupied by students,
4654 except between class periods when students are moving between
4655 classrooms or other instructional spaces. If a classroom or
4656 other instructional space door must be left unlocked or open for
4657 any reason other than between class periods when students are
4658 moving between classrooms or other instructional spaces, the

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4659 door must be actively staffed by a person standing or seated at
4660 the door.

4661 3. All campus access doors, gates, and other access points
4662 that allow ingress to or egress from a school building shall
4663 remain closed and locked at all times to prevent ingress, unless
4664 a person is actively entering or exiting the door, gate, or
4665 other access point or the school safety specialist, or his or
4666 her designee, has documented in the Florida Safe Schools
4667 Assessment Tool portal maintained by the Office of Safe Schools
4668 that the open and unlocked door, gate, or other access point is
4669 not subject to this requirement based upon other safety measures
4670 at the school. The office may conduct a compliance visit
4671 pursuant to s. 1001.212(13) ~~1001.212(14)~~ to review if such
4672 determination is appropriate. All campus access doors, gates,
4673 and other access points may be electronically or manually
4674 controlled by school personnel to allow access by authorized
4675 visitors, students, and school personnel.

4676 4. All school classrooms and other instructional spaces
4677 must clearly and conspicuously mark the safest areas in each
4678 classroom or other instructional space where students must
4679 shelter in place during an emergency. Students must be notified
4680 of these safe areas within the first 10 days of the school year.
4681 If it is not feasible to clearly and conspicuously mark the
4682 safest areas in a classroom or other instructional space, the
4683 school safety specialist, or his or her designee, must document
4684 such determination in the Florida Safe Schools Assessment Tool
4685 portal maintained by the Office of Safe Schools, identifying
4686 where affected students must shelter in place. The office shall
4687 assist the school safety specialist with compliance during the

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4688 inspection required under s. 1001.212(13) ~~1001.212(14)~~.

4689

4690 Persons who are aware of a violation of this paragraph must

4691 report the violation to the school principal. The school

4692 principal must report the violation to the school safety

4693 specialist no later than the next business day after receiving

4694 such report. If the person who violated this paragraph is the

4695 school principal or charter school administrator, the report

4696 must be made directly to the district school superintendent or

4697 charter school governing board, as applicable.

4698 Reviser's note.—Amended to correct a cross-reference. Section 5,

4699 ch. 2024-155, Laws of Florida, added subsection (14) to s.

4700 1001.212, which was redesignated as subsection (13) to

4701 conform to the deletion of former subsection (11) by s. 20,

4702 ch. 2024-3, Laws of Florida.

4703 Section 107. Paragraphs (d) and (e) of subsection (2) and

4704 paragraph (b) of subsection (4) of section 1006.28, Florida

4705 Statutes, are amended to read:

4706 1006.28 Duties of district school board, district school

4707 superintendent; and school principal regarding K-12

4708 instructional materials.—

4709 (2) DISTRICT SCHOOL BOARD.—The district school board has

4710 the constitutional duty and responsibility to select and provide

4711 adequate instructional materials for all students in accordance

4712 with the requirements of this part. The district school board

4713 also has the following specific duties and responsibilities:

4714 (d) *School library media services; establishment and*

4715 *maintenance.*—Establish and maintain a program of school library

4716 media services for all public schools in the district, including

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4717 school library media centers, or school library media centers

4718 open to the public, and, in addition such traveling or

4719 circulating libraries as may be needed for the proper operation

4720 of the district school system. ~~Beginning January 1, 2023,~~ School

4721 librarians, media specialists, and other personnel involved in

4722 the selection of school district library materials must complete

4723 the training program developed pursuant to s. 1006.29(6) before

4724 reviewing and selecting age-appropriate materials and library

4725 resources. Upon written request, a school district shall provide

4726 access to any material or book specified in the request that is

4727 maintained in a district school system library and is available

4728 for review.

4729 1. Each book made available to students through a school

4730 district library media center or included in a recommended or

4731 assigned school or grade-level reading list must be selected by

4732 a school district employee who holds a valid educational media

4733 specialist certificate, regardless of whether the book is

4734 purchased, donated, or otherwise made available to students.

4735 2. Each district school board shall adopt procedures for

4736 developing library media center collections and post the

4737 procedures on the website for each school within the district.

4738 The procedures must:

4739 a. Require that book selections meet the criteria in s.

4740 1006.40(3)(c).

4741 b. Require consultation of reputable, professionally

4742 recognized reviewing periodicals and school community

4743 stakeholders.

4744 c. Provide for library media center collections, including

4745 classroom libraries, based on reader interest, support of state

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4746 academic standards and aligned curriculum, and the academic
4747 needs of students and faculty.

4748 d. Provide for the regular removal or discontinuance of
4749 books based on, at a minimum, physical condition, rate of recent
4750 circulation, alignment to state academic standards and relevancy
4751 to curriculum, out-of-date content, and required removal
4752 pursuant to subparagraph (a)2.

4753 3. Each elementary school must publish on its website, in a
4754 searchable format prescribed by the department, a list of all
4755 materials maintained and accessible in the school library media
4756 center or a classroom library or required as part of a school or
4757 grade-level reading list.

4758 4. Each district school board shall adopt and publish on
4759 its website the process for a parent to limit his or her
4760 student's access to materials in the school or classroom
4761 library.

4762 (e) *Public participation.*—Publish on its website, in a
4763 searchable format prescribed by the department, a list of all
4764 instructional materials, including those used to provide
4765 instruction required by s. 1003.42. Each district school board
4766 must:

4767 1. Provide access to all materials, excluding teacher
4768 editions, in accordance with s. 1006.283(2)(b)8.a. before the
4769 district school board takes any official action on such
4770 materials. This process must include reasonable safeguards
4771 against the unauthorized use, reproduction, and distribution of
4772 instructional materials considered for adoption.

4773 2. Select, approve, adopt, or purchase all materials as a
4774 separate line item on the agenda and provide a reasonable

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4775 opportunity for public comment. The use of materials described
4776 in this paragraph may not be selected, approved, or adopted as
4777 part of a consent agenda.

4778 3. Annually, on beginning June 30, ~~2023~~, submit to the
4779 Commissioner of Education a report that identifies:

4780 a. Each material for which the school district received an
4781 objection pursuant to subparagraph (a)2., including the grade
4782 level and course the material was used in, for the school year
4783 and the specific objections thereto.

4784 b. Each material that was removed or discontinued.

4785 c. Each material that was not removed or discontinued and
4786 the rationale for not removing or discontinuing the material.

4787

4788 The department shall publish and regularly update a list of
4789 materials that were removed or discontinued, sorted by grade
4790 level, as a result of an objection and disseminate the list to
4791 school districts for consideration in their selection
4792 procedures.

4793 (4) SCHOOL PRINCIPAL.—The school principal has the
4794 following duties for the management and care of materials at the
4795 school:

4796 (b) *Money collected for lost or damaged instructional*
4797 *materials; enforcement.*—The school principal may collect from
4798 each student or the student's parent the purchase price of any
4799 instructional material the student has lost, destroyed, or
4800 unnecessarily damaged and ~~to~~ report and transmit the money
4801 collected to the district school superintendent. A student who
4802 fails to pay such sum may be suspended from participation in
4803 extracurricular activities. A student may satisfy the debt

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4804 through community service activities at the school site as
 4805 determined by the school principal, pursuant to policies adopted
 4806 by district school board rule.

4807 Reviser's note.—Paragraphs (2)(d) and (e) are amended to delete
 4808 obsolete language. Paragraph (4)(b) is amended to confirm
 4809 an editorial deletion to conform to context.

4810 Section 108. Paragraph (b) of subsection (3) and subsection
 4811 (5) of section 1008.34, Florida Statutes, are amended to read:
 4812 1008.34 School grading system; school report cards;
 4813 district grade.—

4814 (3) DESIGNATION OF SCHOOL GRADES.—

4815 (b)1. A school's grade shall be based on the following
 4816 components, each worth 100 points:

4817 a. The percentage of eligible students passing statewide,
 4818 standardized assessments in English Language Arts under s.
 4819 1008.22(3).

4820 b. The percentage of eligible students passing statewide,
 4821 standardized assessments in mathematics under s. 1008.22(3).

4822 c. The percentage of eligible students passing statewide,
 4823 standardized assessments in science under s. 1008.22(3).

4824 d. The percentage of eligible students passing statewide,
 4825 standardized assessments in social studies under s. 1008.22(3).

4826 e. The percentage of eligible students who make Learning
 4827 Gains in English Language Arts as measured by statewide,
 4828 standardized assessments administered under s. 1008.22(3).

4829 f. The percentage of eligible students who make Learning
 4830 Gains in mathematics as measured by statewide, standardized
 4831 assessments administered under s. 1008.22(3).

4832 g. The percentage of eligible students in the lowest 25

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4833 percent in English Language Arts, as identified by prior year
 4834 performance on statewide, standardized assessments, who make
 4835 Learning Gains as measured by statewide, standardized English
 4836 Language Arts assessments administered under s. 1008.22(3).

4837 h. The percentage of eligible students in the lowest 25
 4838 percent in mathematics, as identified by prior year performance
 4839 on statewide, standardized assessments, who make Learning Gains
 4840 as measured by statewide, standardized Mathematics assessments
 4841 administered under s. 1008.22(3).

4842 i. For schools comprised of middle grades 6 through 8 or
 4843 grades 7 and 8, the percentage of eligible students passing high
 4844 school level statewide, standardized end-of-course assessments
 4845 or attaining national industry certifications identified in the
 4846 CAPE Industry Certification Funding List pursuant to state board
 4847 rule.

4848 j. ~~Beginning in the 2023-2024 school year,~~ For schools
 4849 comprised of grade levels that include grade 3, the percentage
 4850 of eligible students who score an achievement level 3 or higher
 4851 on the grade 3 statewide, standardized English Language Arts
 4852 assessment administered under s. 1008.22(3).

4853
 4854 In calculating Learning Gains for the components listed in sub-
 4855 subparagraphs e.-h., the State Board of Education shall require
 4856 that learning growth toward achievement levels 3, 4, and 5 is
 4857 demonstrated by students who scored below each of those levels
 4858 in the prior year. In calculating the components in sub-
 4859 subparagraphs a.-d., the state board shall include the
 4860 performance of English language learners only if they have been
 4861 enrolled in a school in the United States for more than 2 years.

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4862 2. For a school comprised of grades 9, 10, 11, and 12, or
4863 grades 10, 11, and 12, the school's grade shall also be based on
4864 the following components, each worth 100 points:

4865 a. The 4-year high school graduation rate of the school as
4866 defined by state board rule.

4867 b. The percentage of students who were eligible to earn
4868 college and career credit through an assessment identified
4869 pursuant to s. 1007.27(2), College Board Advanced Placement
4870 examinations, International Baccalaureate examinations, dual
4871 enrollment courses, including career dual enrollment courses
4872 resulting in the completion of 300 or more clock hours during
4873 high school which are approved by the state board as meeting the
4874 requirements of s. 1007.271, or Advanced International
4875 Certificate of Education examinations; who, at any time during
4876 high school, earned national industry certification identified
4877 in the CAPE Industry Certification Funding List, pursuant to
4878 rules adopted by the state board; or who earned an Armed
4879 Services Qualification Test score that falls within Category II
4880 or higher on the Armed Services Vocational Aptitude Battery and
4881 earned a minimum of two credits in Junior Reserve Officers'
4882 Training Corps courses from the same branch of the United States
4883 Armed Forces.

4884 (5) DISTRICT GRADE. ~~Beginning with the 2014-2015 school~~
4885 ~~year,~~ A school district's grade shall include a district-level
4886 calculation of the components under paragraph (3)(b). This
4887 calculation methodology captures each eligible student in the
4888 district who may have transferred among schools within the
4889 district or is enrolled in a school that does not receive a
4890 grade. The department shall develop a district report card that

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4891 includes the district grade; the information required under s.
4892 1008.345(3); measures of the district's progress in closing the
4893 achievement gap between higher-performing student subgroups and
4894 lower-performing student subgroups; measures of the district's
4895 progress in demonstrating Learning Gains of its highest-
4896 performing students; measures of the district's success in
4897 improving student attendance; the district's grade-level
4898 promotion of students scoring achievement levels 1 and 2 on
4899 statewide, standardized English Language Arts and Mathematics
4900 assessments; and measures of the district's performance in
4901 preparing students for the transition from elementary to middle
4902 school, middle to high school, and high school to postsecondary
4903 institutions and careers.

4904 Reviser's note.—Amended to delete obsolete language.

4905 Section 109. Subsections (3) and (22) of section 1009.23,
4906 Florida Statutes, are amended to read:

4907 1009.23 Florida College System institution student fees.—

4908 (3) (a) ~~Effective July 1, 2014,~~ For advanced and
4909 professional, postsecondary vocational, developmental education,
4910 and educator preparation institute programs, the standard
4911 tuition shall be \$71.98 per credit hour for residents and
4912 nonresidents, and the out-of-state fee shall be \$215.94 per
4913 credit hour.

4914 (b) ~~Effective July 1, 2014,~~ For baccalaureate degree
4915 programs, the following tuition and fee rates shall apply:

4916 1. The tuition shall be \$91.79 per credit hour for students
4917 who are residents for tuition purposes.

4918 2. The sum of the tuition and the out-of-state fee per
4919 credit hour for students who are nonresidents for tuition

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4920 purposes shall be no more than 85 percent of the sum of the
 4921 tuition and the out-of-state fee at the state university nearest
 4922 the Florida College System institution.

4923 (22) Beginning with the 2024-2025 academic year, Miami Dade
 4924 College, Polk State College, and Tallahassee State College
 4925 ~~Tallahassee Community College~~ are authorized to charge an amount
 4926 not to exceed \$290 per credit hour for nonresident tuition and
 4927 fees for distance learning. Such institutions may phase in this
 4928 nonresident tuition rate by degree program.

4929 Reviser's note.—Subsection (3) is amended to delete obsolete
 4930 language. Subsection (22) is amended to confirm an
 4931 editorial substitution to conform to the redesignation of
 4932 name of the college by s. 1, ch. 2024-43, Laws of Florida.
 4933 Section 110. Paragraph (a) of subsection (4) of section
 4934 1009.895, Florida Statutes, is amended to read:

4935 1009.895 Open Door Grant Program.—

4936 (4) DISTRIBUTION OF FUNDS.—

4937 (a) ~~For the 2023-2024 fiscal year, funding for eligible~~
 4938 ~~institutions must consist of a base amount provided for in the~~
 4939 ~~General Appropriations Act plus each institution's proportionate~~
 4940 ~~share of full-time equivalent students enrolled in career and~~
 4941 ~~technical education programs.~~ Beginning in fiscal year 2024-
 4942 2025, the funds appropriated for the Open Door Grant Program
 4943 must be distributed to eligible institutions in accordance with
 4944 a formula approved by the State Board of Education. The formula
 4945 must consider at least the prior year's distribution of funds
 4946 and the number of eligible applicants who did not receive
 4947 awards.

4948 Reviser's note.—Amended to delete obsolete language.

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4949 Section 111. Subsections (3) and (6) of section 1011.804,
 4950 Florida Statutes, are amended to read:

4951 1011.804 GATE Startup Grant Program.—

4952 (3) The department may solicit proposals from institutions
 4953 without programs that meet the requirements of s. 1004.933
 4954 ~~1004.933(2)~~. Such institutions must be located in or serve a
 4955 rural area of opportunity as designated by the Governor.

4956 (6) Grant funds may be used for planning activities and
 4957 other expenses associated with the creation of the GATE Program,
 4958 such as expenses related to program instruction, instructional
 4959 equipment, supplies, instructional personnel, and student
 4960 services. Grant funds may not be used for indirect costs. Grant
 4961 recipients must submit an annual report in a format prescribed
 4962 by the department. The department shall consolidate such annual
 4963 reports and include the reports in the report required by s.
 4964 1004.933(6) ~~1004.933(5)~~.

4965 Reviser's note.—Subsection (3) is amended to revise a cross-
 4966 reference; s. 1004.933(2) creates the Graduation
 4967 Alternative to Traditional Education (GATE) Program but
 4968 does not provide specific requirements. Subsection (6) is
 4969 amended to correct a cross-reference to conform to the
 4970 location of reporting requirements in s. 1004.933(6);
 4971 subsection (5) of that section relates to department
 4972 responsibilities.

4973 Section 112. Paragraph (h) of subsection (1) of section
 4974 1012.22, Florida Statutes, is amended to read:

4975 1012.22 Public school personnel; powers and duties of the
 4976 district school board.—The district school board shall:

4977 (1) Designate positions to be filled, prescribe

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4978 qualifications for those positions, and provide for the
 4979 appointment, compensation, promotion, suspension, and dismissal
 4980 of employees as follows, subject to the requirements of this
 4981 chapter:

4982 (h) *Planning and training time for teachers.*—The district
 4983 school board shall adopt rules to make provisions for teachers
 4984 to have time for lunch, professional planning, and professional
 4985 learning ~~time~~ when they will not be directly responsible for the
 4986 children if some adult supervision is furnished for the students
 4987 during such periods.

4988 Reviser's note.—Amended to confirm an editorial deletion to
 4989 eliminate redundancy.

4990 Section 113. Section 1012.315, Florida Statutes, is
 4991 reenacted to read:

4992 1012.315 Screening standards.—A person is ineligible for
 4993 educator certification or employment in any position that
 4994 requires direct contact with students in a district school
 4995 system, a charter school, or a private school that participates
 4996 in a state scholarship program under chapter 1002 if the person:

4997 (1) Is on the disqualification list maintained by the
 4998 department under s. 1001.10(4)(b);

4999 (2) Is registered as a sex offender as described in 42
 5000 U.S.C. s. 9858f(c)(1)(C);

5001 (3) Is ineligible based on a security background
 5002 investigation under s. 435.04(2). Beginning January 1, 2025, or
 5003 a later date as determined by the Agency for Health Care
 5004 Administration, the Agency for Health Care Administration shall
 5005 determine the eligibility of employees in any position that
 5006 requires direct contact with students in a district school

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5007 system, a charter school, or a private school that participates
 5008 in a state scholarship program under chapter 1002;

5009 (4) Would be ineligible for an exemption under s.
 5010 435.07(4)(c); or

5011 (5) Has been convicted or found guilty of, has had
 5012 adjudication withheld for, or has pled guilty or nolo contendere
 5013 to:

5014 (a) Any criminal act committed in another state or under
 5015 federal law which, if committed in this state, constitutes a
 5016 disqualifying offense under s. 435.04(2).

5017 (b) Any delinquent act committed in this state or any
 5018 delinquent or criminal act committed in another state or under
 5019 federal law which, if committed in this state, qualifies an
 5020 individual for inclusion on the Registered Juvenile Sex Offender
 5021 List under s. 943.0435(1)(h)1.d.

5022 Reviser's note.—Section 8, ch. 2024-132, Laws of Florida,
 5023 amended paragraph (1)(y), but failed to incorporate the
 5024 amendment to s. 1012.315 by s. 8, ch. 2023-220, Laws of
 5025 Florida, effective July 1, 2024, which deleted former
 5026 subsection (1), including paragraph (y). Section 1012.315
 5027 is reenacted to conform to the fact that the amendment by
 5028 s. 8, ch. 2024-132, cannot be incorporated into the text of
 5029 the section as amended by s. 8, ch. 2023-220.

5030 Section 114. Paragraph (a) of subsection (2) of section
 5031 1012.55, Florida Statutes, is amended to read:

5032 1012.55 Positions for which certificates required.—

5033 (2)(a)1. Each person who is employed and renders service as
 5034 an athletic coach in any public school in any district of this
 5035 state shall:

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5036 a. Hold a valid temporary or professional certificate or an
5037 athletic coaching certificate. The athletic coaching certificate
5038 may be used for either part-time or full-time positions.

5039 b. Hold and maintain a certification in cardiopulmonary
5040 resuscitation, first aid, and the use of an automated ~~automatic~~
5041 external defibrillator. The certification must be consistent
5042 with national evidence-based emergency cardiovascular care
5043 guidelines.

5044 2. The provisions of this subsection do not apply to any
5045 athletic coach who voluntarily renders service and who is not
5046 employed by any public school district of this state.

5047 Reviser's note.—Amended to confirm an editorial substitution to
5048 conform to the correct name of the device.

5049 Section 115. This act shall take effect on the 60th day
5050 after adjournment sine die of the session of the Legislature in
5051 which enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 50

INTRODUCER: Appropriations Committee on Agriculture, Environment and General Government and Senator Garcia

SUBJECT: Nature-based Methods for Improving Coastal Resilience

DATE: March 11, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 50 directs the Florida Flood Hub to:

- Develop guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges; and
- Model the effects of green infrastructure on the state’s coastal resilience.

The bill also directs the Department of Environmental Protection (DEP) to adopt rules governing nature-based methods for improving coastal resilience. Among other things, the rules must:

- Encourage participation in mangrove replanting, hydrological restoration programs, and the restoration of oyster reefs, salt marshes, and coral reefs.
- Identify and monitor threats to mangroves and identify ways that new developments can avoid or mitigate their impacts on mangrove stands.
- Assist efforts to improve coastal resilience using green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.
- Identify vulnerable properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs.
- Assist in the development of workforce training, including flood and sea level rise research, prediction, and adaptation and mitigation strategies.
- Encourage green infrastructure projects through the Resilient Florida Grant Program.

- Create permitting incentives for certain green infrastructure projects.

The bill requires a statewide feasibility study and report to determine the value of nature-based methods for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System.

The bill has an indeterminate negative fiscal impact on the DEP related to the costs associated with the rulemaking requirements. For Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds is appropriated from the Resilient Florida Trust Fund the DEP to conduct the feasibility study.

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

II. Present Situation:

Coastal Resilience, Green Infrastructure, and Nature-Based Solutions

Resilience is the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.¹ Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive, continuous, and integrated into other community goals and plans.²

Green infrastructure and nature-based solutions are increasingly being integrated into resilience planning. Green infrastructure uses vegetation, soils, and natural processes to manage and treat stormwater runoff water, often in urban environments.³ The scale of green infrastructure ranges from urban installations, such as rain gardens and green roofs, to large tracts of undeveloped natural lands.⁴ The interconnected network of green infrastructure can enhance the resiliency of infrastructure and communities by increasing water supplies, reducing flooding, providing climate adaptability, and improving water quality.⁵

Similarly, nature-based solutions integrate natural features and processes into the built environment to promote adaptation and resilience and protect communities from natural hazards.⁶ Coastal nature-based solutions can stabilize shorelines, reduce erosion, and buffer

¹ Federal Emergency Management Agency (FEMA), *National Risk Index: Community Resilience*, <https://hazards.fema.gov/nri/community-resilience> (last visited Feb. 7, 2025).

² National Institute of Standards and Technology, U.S. Dep't of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

³ U.S. Environmental Protection Agency (EPA), *Improving Community Resiliency with Green Infrastructure*, 1 (2014), available at https://www.epa.gov/sites/default/files/2014-06/documents/gi_resiliency.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ FEMA, *FEMA Resources for Climate Resilience*, 5 (2021), available at https://www.fema.gov/sites/default/files/documents/fema_resources-climate-resilience.pdf; FEMA, *Nature-Based Solutions: Before, During, and After Disasters*, <https://www.fema.gov/emergency-managers/risk-management/future-conditions/nature-based-solutions> (last visited Feb. 7, 2025).

coastal areas from the impacts of storms, sea level rise, and flooding.⁷ Examples of green infrastructure and nature-based solutions include:

- Conserving existing natural systems like dunes, wetlands, floodplains, and forests;
- Tree canopy preservation and land conservation;
- Floodplain and marsh restoration;
- Bioretention (e.g., planter boxes, bioswales, rain gardens, green roofs);
- Green streets and permeable pavement; and
- Living shorelines.⁸



Stormwater Planter, Permeable Pavement, Living Shoreline, and Bioretention⁹

Living Shorelines and Seawalls

A living shoreline is a nature-based solution that consists of strategically placing natural materials such as plants and stones along a coastal edge.¹⁰ Living shorelines promote and rely on the growth of natural vegetation over time to help reduce erosion, increase resiliency, and filter runoff.¹¹ This natural infrastructure helps maintain the shoreline ecosystem while being an

⁷ FEMA, *Nature-Based Solutions: Before, During, and After Disasters*, <https://www.fema.gov/emergency-managers/risk-management/future-conditions/nature-based-solutions>. See generally EPA, *Climate Resiliency and Green Infrastructure*, <https://www.epa.gov/green-infrastructure/climate-resiliency-and-green-infrastructure> (last visited Feb. 7, 2025); EPA, *Green Infrastructure Opportunities that Arise During Municipal Operations*, 1 (2015), available at https://www.epa.gov/sites/default/files/2015-09/documents/green_infrastructure_roadshow.pdf.

⁸ National Climate Task Force, *Federal Flood Standard Support Tool: Nature-Based Solutions*, <https://floodstandard.climate.gov/pages/nature-based-solutions> (last visited Feb. 7, 2025); EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Feb. 7, 2025).

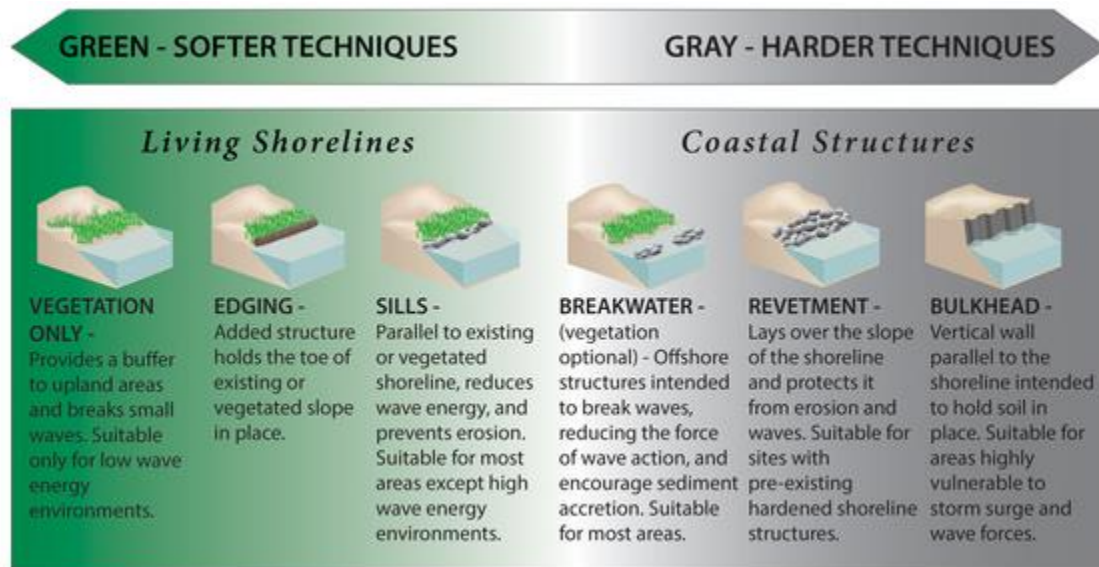
⁹ EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Feb. 7, 2025).

¹⁰ *Id.*

¹¹ *Id.*

innovative coastal management technique.¹² Research indicates that living shorelines are more resilient than bulkheads in protecting against the effects of hurricanes.¹³

A living seawall is designed to encourage underwater habitats and usually consists of naturalistic concrete, rock, and/or shell structures designed to attract fish, oysters, and other living things, absorb wave energy without causing erosion, and improve aesthetics.¹⁴



Mangroves

Florida's estimated 600,000 acres of mangrove forests contribute to the overall health of the state's southern coastal zone and beyond.¹⁵ Mangroves stabilize coastlines, slow the movement of tides, store carbon, and help protect against erosion and damage from storm surges.¹⁶

According to one study by the Nature Conservancy, mangroves prevented \$1.5 billion in direct

¹² *Id.*

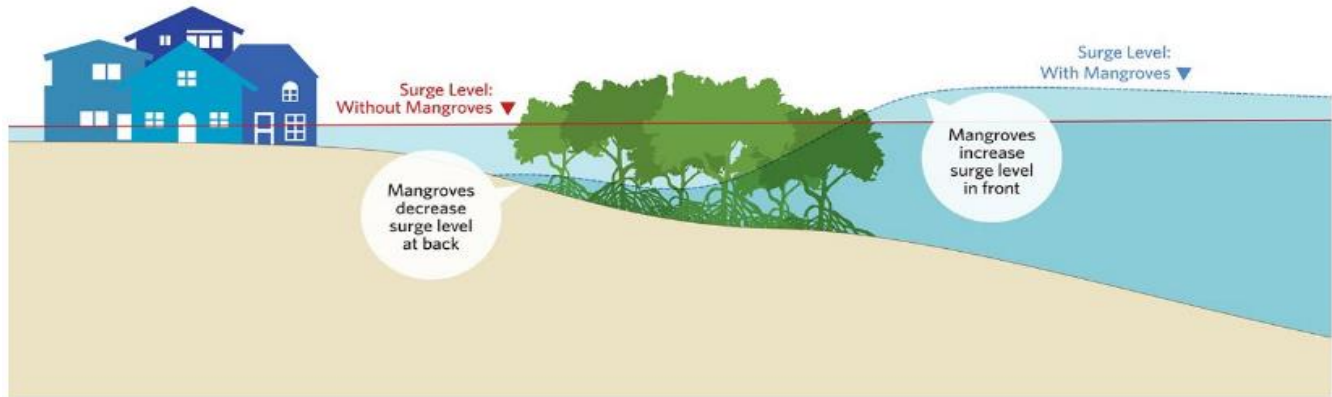
¹³ National Oceanic and Atmospheric Administration (NOAA), *What is a living shoreline?*, <https://oceanservice.noaa.gov/facts/living-shoreline.html> (last visited Feb. 7, 2025). See also NOAA, *Understanding Living Shorelines*, <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#what-is-a-living-shoreline> (last visited Feb. 7, 2025).

¹⁴ Mote Marine Laboratory and Aquarium, *Mote scientists to study Sarasota's new 'living seawall,'* <https://mote.org/news/mote-scientists-to-study-sarasotas-new-living-seawall/> (last visited Feb. 7, 2025). See also Port of San Francisco, *Living Seawall Pilot*, <https://www.sfport.com/wrp/living-seawall> (last visited Feb. 7, 2025).

¹⁵ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Feb. 7, 2025). Mangroves are gaining ground along their northern Florida habitat limits, and as winter cold snaps decrease, mangroves are expected to expand further north into new territory. Kristen Minogue & Heather Dewar, Smithsonian Environmental Research Center, *With Fewer Hard Frosts, Tropical Mangroves Push North*, 1 (2013), available at <https://sercblog.si.edu/with-fewer-hard-frosts-tropical-mangroves-push-north/>.

¹⁶ NASA, *Mangroves Are Losing Their Resilience*, <https://landsat.gsfc.nasa.gov/article/mangroves-are-losing-their-resilience/> (last visited Feb. 7, 2025). See also, DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>; NASA, *NASA Study Maps the Roots of Global Mangrove Loss*, available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>. Mangroves reduce wave heights by 31 percent on average. Siddharth Narayan et al., *The Effectiveness, Costs and Coastal Protection Benefits of Natural and Nature-Based Defenses*, Plos One, 4 (2016), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154735>.

flood damages and protected over half a million people in Florida during Hurricane Irma in 2017, reducing damages by nearly 25 percent in counties with mangroves.¹⁷ In Collier County, some regions immediately behind the county's mangroves receive annual risk reduction benefits of over \$1 million.¹⁸ Another study found that without the mangroves on Florida's coast, the storm surge of Hurricane Wilma would have extended up to 70 percent further inland.¹⁹



MANGROVE BENEFITS Surge is reduced behind mangroves, helping ease flooding to land and properties. © The Nature Conservancy

The amount of protection afforded by mangroves depends on the width of the forest. A narrow fringe of mangroves offers limited protection, while a wide fringe can considerably reduce wave and flood damage to landward areas by enabling overflowing water to be absorbed into the expanse of forest.²⁰ Notably, the Legislature has found that many areas of mangroves in Florida occur as narrow riparian fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.²¹

Mangroves also play an important ecological role as a habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife,²² including endangered and threatened species such as the manatee, hawksbill sea turtle, American crocodile, Key deer, and Florida panther.²³ Mangrove branches act as bird rookeries and nesting areas for coastal wading birds, and their intricate root systems provide critical nursery habitats for fish, crustaceans, shellfish, and other marine life.²⁴ The roots also make ideal underwater perches for barnacles, oysters,

¹⁷ Siddharth Narayan et al., The Nature Conservancy, *Valuing the Flood Risk Reduction Benefits of Florida's Mangroves*, 2, available at https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf.

¹⁸ *Id.* at 10. Worldwide, mangroves reduce risk to more than 15 million people and prevent more than \$65 billion in property damages each year. Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

¹⁹ Keqi Zhang et al., *The role of mangroves in attenuating storm surges*, *Estuarine, Coastal and Shelf Science*, vols. 102-103, 11, 23 (2012), available at <https://www.sciencedirect.com/science/article/abs/pii/S0272771412000674>.

²⁰ *Id.*

²¹ Section 403.9322(3), F.S.

²² Section 403.9322(2), F.S.

²³ Florida Museum, University of Florida, *South Florida Aquatic Environments: Mangrove Life*, <https://www.floridamuseum.ufl.edu/southflorida/habitats/mangroves/mangrove-life/> (last visited Feb. 7, 2025).

²⁴ *Id.*; DEP, *Florida's Mangroves*; Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

crabs, and other marine organisms.²⁵ These organisms provide food for juvenile fish, birds, reptiles, and other wildlife.²⁶ Florida's important recreational and commercial fisheries would drastically decline without healthy mangrove forests.²⁷

Human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.²⁸ Climate change, which results in higher sea levels and more intense droughts and storms, could increase the rate of mangrove loss.²⁹

Florida Flood Hub for Applied Research and Innovation

The Florida Flood Hub for Applied Research and Innovation was established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state.³⁰ The Florida Flood Hub is tasked with, among other things, organizing existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of floods; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.³¹

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.³² The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.³³

Designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);³⁴
- Green Swamp Area (portions of Polk and Lake Counties);³⁵

²⁵ Hannah Waters, Smithsonian Institution, *Mangrove Restoration: Letting Mother Nature Do the Work* (2016), available at <https://ocean.si.edu/ocean-life/plants-algae/mangrove-restoration-letting-mother-nature-do-work>.

²⁶ *Id.*

²⁷ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>.

²⁸ FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Feb. 7, 2025).

²⁹ Miriam C. Jones et al., *Rapid inundation of southern Florida coastline despite low relative sea-level rise rates during the late-Holocene*, *Nature Communications*, 1, 10 (2019), available at <https://www.nature.com/articles/s41467-019-11138-4>; Xiucheng Yang et al., *Tracking mangrove condition changes using dense Landsat time series*, *Remote Sensing of Environment*, vol. 15, 1 (2024), available at <https://www.sciencedirect.com/science/article/pii/S0034425724004875?via%3Dihub>.

³⁰ Section 380.0933(1), F.S.

³¹ Section 380.0933(2) and (3), F.S.

³² Florida Department of Commerce, *Area of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Feb. 7, 2025). See Ch. 72-317, s. 5, Laws of Fla.; section 380.05, F.S.

³³ Florida Department of Commerce, *Area of Critical State Concern Program*.

³⁴ Section 380.055, F.S.

³⁵ Section 380.0551, F.S.

- City of Key West and the Florida Keys (Monroe County);³⁶ and
- Apalachicola Bay Area (Franklin County).³⁷

National Flood Insurance Program Community Rating System

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.³⁸ 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.³⁹ Participation in the NFIP is voluntary.⁴⁰ 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.⁴¹

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.⁴² Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.⁴³ Premium discounts range from five to 45 percent based on a community's CRS credit points.⁴⁴ Communities earn credit points by implementing FEMA-approved activities or programs, such as:

- Flood damage reduction programs that reduce the flood risk to existing development;
- Public outreach programs advising people about flood hazards, flood insurance, and ways to reduce flood damage;
- Mapping and regulations limiting floodplain development or providing increased protection to new and existing development; or
- Warning and response programs that provide early flood warnings to the public and incorporate substantial damage assessments into flood response operations.⁴⁵

³⁶ Section 380.0552, F.S.

³⁷ Section 380.0555, F.S.

³⁸ The National Flood Insurance Act, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). *See also* FEMA, *Flood Insurance Rules and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation> (last visited Feb. 7, 2025).

³⁹ *See* FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Feb. 7, 2025).

⁴⁰ FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip#:~:text=Participation%20in%20the%20National%20Flood%20Insurance%20Program%20%28NFIP%29,of%20intent%20to%20participate%20and%20cooperate%20with%20FEMA%3B> (last visited Feb. 7, 2025).

⁴¹ *Id.*

⁴² FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system#:~:text=The%20Community%20Rating%20System%20%28CRS%29%20is%20a%20voluntary,Insurance%20Program%20%28NFIP%29.%20Over%201%2C500%20communities%20participate%20nationwide> (last visited Feb. 7, 2025).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ 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.

Resilient Florida Grant Program

The Resilient Florida Grant Program provides grants to counties and municipalities to fund community resilience planning, including vulnerability assessments that identify or address risks of flooding and sea level rise, comprehensive plan amendments, and feasibility studies and the cost of permitting for nature-based solutions that reduce the impact of flooding and sea level rise.⁴⁶ Water management districts (WMDs) are also eligible to receive grants under the Resilient Florida Grant Program to assist local government adaptation planning.⁴⁷ Such funding must support the Florida Flood Hub and the Department of Environmental Protection's (DEP) efforts related to data creation, collection, modeling, and statewide standards implementation.⁴⁸

Workforce Development Capitalization Incentive Grant Program

The Workforce Development Capitalization Incentive Grant Program was created to provide grants to school districts and Florida College System institutions to fund costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List.⁴⁹ The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students.⁵⁰

Grant funds may be used for instructional and laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a career and technical education program that serves secondary students.⁵¹ In ranking applications, the State Board of Education must consider the statewide geographic dispersion of grant funds and give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.⁵²

Environmental Resource Permitting (ERP)

Part IV of chapter 373, F.S., and chapter 62-330 of the Florida Administrative Code regulate the statewide ERP program, which is the primary tool used by the Department of Environmental Protection (DEP) and the Water management districts (WMD) for preserving natural resources and fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources. The program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.⁵³

⁴⁶ Section 380.093(3)(b)1., F.S.

⁴⁷ Section 380.093(3)(b)2., F.S.

⁴⁸ Section 380.093(3)(b)2., F.S.

⁴⁹ Section 1011.801, F.S.

⁵⁰ *Id.*

⁵¹ Section 1011.801(1), F.S.

⁵² Section 1011.801(2), F.S.

⁵³ Fla. Admin. Code R. 62-330.010(2).

Projects that are in, on, or over surface waters and wetlands are subject to additional permitting requirements. For example, if a proposed activity significantly degrades or is within an Outstanding Florida Water,⁵⁴ the ERP applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.⁵⁵ In determining whether an activity is clearly in the public interest, the WMDs or the DEP must consider and balance the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.⁵⁶

III. Effect of Proposed Changes:

The bill contains four whereas clauses that acknowledge the following:

- The coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna;
- Rising sea levels and an increasing frequency of adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline;
- As identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, natural infrastructure, including mangrove stands, living seawalls, and other nature-based designs, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines; and
- The Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based methods on this state's coastal resilience and economic development.

Section 1 amends s. 380.0933, F.S., regarding the Florida Flood Hub for Applied Research and Innovation. The bill directs the Flood Hub to:

⁵⁴ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Feb. 7, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

⁵⁵ Section 373.414(1), F.S.

⁵⁶ Section 373.414(1)(a), F.S.

- Develop design guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges; and
- Model the effects, including flood risk reduction and socio-economic benefits, of conceptual designs of green infrastructure and hybrid green-gray infrastructure, and integration of green natural systems into gray infrastructure systems, on the state’s coastal resilience.

Section 2 creates s. 380.0938, F.S., regarding nature-based methods for improving coastal resilience. The bill directs the Department of Environmental Protection (DEP) to adopt rules governing nature-based methods for improving coastal resilience. The rules must:

- Address significant erosion in areas of critical state concern.
- Identify ways that new developments can avoid or mitigate their impacts on mangrove stands.
- Encourage local governmental entities to develop or participate in mangrove replanting and hydrological restoration programs and the restoration of oyster reefs, salt marshes, and coral reefs.
- Identify and monitor threats to mangroves.
- Protect barrier and spoil islands.
- Assist efforts to improve coastal resilience through the use of green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.
- Promote public awareness of the value of green infrastructure and statewide education campaigns conducted by local governmental entities.
- Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs for implementing the rules developed by the DEP.
- Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.
- Create permitting incentives and approvals of, and encourage the use of, new strategies and technologies, such as three-dimensional printing, for living shorelines and nature-based features for coastal protection.
- Assist in the development of workforce training in this state which includes flood and sea level rise research, prediction, and adaptation and mitigation strategies. The DEP must provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program to implement such workforce training.
- Encourage partnerships with local governmental entities to create projects using green infrastructure for coastal protection through the Resilient Florida Grant Program.
- Develop guidelines for determining when a green infrastructure project is “clearly in the public interest” under s. 373.414(1)(a), F.S.⁵⁷
- Streamline the Environmental Resource Permitting process for green infrastructure projects.

⁵⁷ Section 373.414(1), F.S., provides that, if a proposed activity requiring an environmental resource permit significantly degrades or is within an Outstanding Florida Water, the applicant must provide reasonable assurance that the proposed activity will be “clearly in the public interest.” Section 373.414(1)(a), F.S., delineates criteria that must be considered when determining whether an activity is “clearly in the public interest.”

- Streamline permitting after designated storm events or disasters to replace failed coastal infrastructure with green or hybrid green-gray infrastructure that follows established green and green-gray design guidelines.

The bill also directs the DEP, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study to determine the value of nature-based methods for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The bill requires the DEP to submit a report on the findings of the study to the Governor and Legislature by July 1, 2026.

Section 3 provides for Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the DEP to conduct the feasibility study.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact on the Department of Environmental Protection (DEP) related to the costs associated with the rulemaking and the cost to conduct a feasibility study. For Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund is appropriated to the DEP to conduct the feasibility study.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 380.0933 of the Florida Statutes.

This bill creates section 380.0938 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations Committee on Agriculture, Environment and General Government on March 5, 2025:

The committee substitute appropriates for Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the Department of Environmental Protection to conduct the feasibility study.

- B. **Amendments:**

None.

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Garcia

601-02147-25

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A bill to be entitled

An act relating to nature-based methods for improving coastal resilience; amending s. 380.0933, F.S.; requiring the Florida Flood Hub for Applied Research and Innovation at the University of South Florida College of Marine Science to develop design guidelines and standards for green and gray infrastructure and models for conceptual designs of green infrastructure and green-gray infrastructure; creating s. 380.0938, F.S.; requiring the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience; providing requirements for such rules; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based methods being used for a specified purpose; requiring the department to submit a report to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

WHEREAS, the coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna, and

WHEREAS, rising sea levels and an increasing frequency of

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adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline, and

WHEREAS, as identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, natural infrastructure, including mangrove stands, living seawalls, and other nature-based designs, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines, and

WHEREAS, the Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based methods on this state's coastal resilience and economic development, NOW, THEREFORE,

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

Section 1. Present paragraphs (c) through (i) of subsection (2) of section 380.0933, Florida Statutes, are redesignated as paragraphs (e) through (k), respectively, and new paragraphs (c) and (d) are added to that subsection, to read:

380.0933 Florida Flood Hub for Applied Research and Innovation.—

(2) The hub shall, at a minimum:

(c) Develop design guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges.

(d) Model the effects, including flood risk reduction and socio-economic benefits, of conceptual designs of green infrastructure and hybrid green-gray infrastructure, and

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59 integration of green natural systems into gray infrastructure
60 systems, on this state's coastal resilience.

61 Section 2. Section 380.0938, Florida Statutes, is created
62 to read:

63 380.0938 Nature-based methods for improving coastal
64 resilience.—

65 (1) The Department of Environmental Protection shall adopt
66 rules governing nature-based methods for improving coastal
67 resilience. The rules must do all of the following:

68 (a) Address significant erosion in areas of critical state
69 concern.

70 (b) Identify ways that new developments can avoid or
71 mitigate their impacts on mangrove stands.

72 (c) Encourage local governmental entities to develop or
73 participate in:

74 1. Mangrove replanting and hydrological restoration
75 programs; and

76 2. Restoration of oyster reefs, salt marshes, and coral
77 reefs.

78 (d) Identify and monitor threats to mangroves.

79 (e) Protect barrier and spoil islands.

80 (f) Assist efforts to improve coastal resilience through
81 the use of green infrastructure, beach renourishment, dune
82 restoration, living seawalls, shoreline and vegetation planting,
83 stormwater planters, permeable pavements, and ecologically sound
84 building materials.

85 (g) Promote public awareness of the value of green
86 infrastructure and statewide education campaigns conducted by
87 local governmental entities.

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88 (h) Identify vulnerable public and private properties along
89 the coastline and encourage partnerships with local governmental
90 entities to create local protection and restoration zone
91 programs for implementing the rules developed by the department
92 pursuant to this section.

93 (i) Protect and maintain access to and navigation of the
94 marked channel and the right-of-way of the Florida Intracoastal
95 Waterway as defined in s. 327.02.

96 (j) Create permitting incentives and approvals of, and
97 encourage the use of, new strategies and technologies, such as
98 3D printing, for living shorelines and nature-based features for
99 coastal protection.

100 (k) Assist in the development of workforce training in this
101 state which includes flood and sea level rise research,
102 prediction, and adaptation and mitigation strategies. The
103 department shall provide incentives to local communities that
104 apply for funding through the Workforce Development
105 Capitalization Incentive Grant Program pursuant to s. 1011.801
106 to implement such workforce training.

107 (l) Encourage partnerships with local governmental entities
108 to create projects using green infrastructure for coastal
109 protection through the Resilient Florida Grant Program pursuant
110 to s. 380.093(3)(b)1.d.

111 (m) Develop guidelines for determining when a green
112 infrastructure project is clearly in the public interest under
113 s. 373.414(1)(a).

114 (n) Streamline the permitting process under s. 373.4131 for
115 green infrastructure projects.

116 (o) Streamline permitting after designated storm events or

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117 disasters to replace failed coastal infrastructure with green or
118 hybrid green-gray infrastructure that follows established green
119 and green-gray design guidelines.

120 (2) The department, in consultation with the Division of
121 Insurance Agent and Agency Services, shall conduct a statewide
122 feasibility study to determine the value of nature-based methods
123 for coastal flood risk reduction within coastal communities to
124 reduce insurance premiums and improve local governments'
125 community ratings in the National Flood Insurance Program
126 Community Rating System. The department shall submit a report on
127 the findings of the study to the Governor, the President of the
128 Senate, and the Speaker of the House of Representatives by July
129 1, 2026.

130 Section 3. For the 2025-2026 fiscal year, the sum of
131 \$250,000 in nonrecurring funds from the Resilient Florida Trust
132 Fund is appropriated to the Department of Environmental
133 Protection to conduct the feasibility study for coastal flood
134 risk reduction required by this act.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 108

INTRODUCER: Senators Grall and Burgess

SUBJECT: Administrative Procedures

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Harmsen</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 108 amends the Administrative Procedures Act (APA), which provides a uniform set of procedures that agencies must follow when exercising rulemaking authority that has been delegated by the Legislature. This bill amends the APA rulemaking process and mandates an agency review of existing rules. The bill, in part:

- Requires each agency, in coordination with the Joint Administrative Procedures Committee, to review its rules for consistency with the powers and duties granted by the agency’s enabling statutes and for any general need for update.
- Provides that agency action to make no change or a technical change to a rule during its rule review process is not subject to a hearing or challenge otherwise provided in ch. 120, F.S.
- Requires agency annual regulatory plans to include an outline of the agency’s proposed five-year schedule of its rule review, with approximately 20 percent of the agency’s total existing rules to be reviewed annually.
- Establishes a 90-day timeframe for an agency to publish a notice of proposed rule from the effective date of legislation that delegates applicable rulemaking authority.
- Requires an agency, for all rules being adopted and reviewed, to electronically publish the full text of any incorporated materials with the notice of proposed rulemaking and necessitates changes to that material to be coded in a strike-through and underlined format.
- Directs an agency to publish emergency rules in the Florida Administrative Register and the Florida Administrative Code, with an agency statement of the specific basis for the rule.
- Permits an agency to withdraw an emergency rule, where it can show that the underlying emergency no longer exists. An agency is also allowed to make a technical change to an emergency rule or to supersede it with different language that will remain in effect for the duration of the initial emergency rule.
- Defines the term “technical change” and directs an agency to publish technical changes in the Florida Administrative Register and document the change in the history of the rule.
- Mandates that a notice of rule development and a notice of proposed rule include the proposed rule number.

- Requires at least seven days to pass between the publication of a notice of rule development and a notice of proposed rule.

The bill may have a negative fiscal impact on state government. The impact, however, is likely indeterminate and not expected to impact agencies until a later date. See Section V. Fiscal Impact Statement.

The bill grants rulemaking authority to the Department of State to implement certain provisions.

The bill will take effect July 1, 2025.

II. Present Situation:

Rulemaking Authority

The Legislature is the sole branch of government with the inherent power to create laws.¹ However, the Legislature may use laws to delegate to executive branch agencies the power to create rules that have the force and effect of law.² Usually, the Legislature delegates rulemaking authority to a given agency because an agency has “expertise in a particular area for which they are charged with oversight.”³ An agency must have both a general and a specific grant of rulemaking authority from the Legislature.⁴ The general grant of rulemaking authority is usually broad, while the specific grant of rulemaking authority provides specific standards and guidelines the agency must implement through rulemaking.⁵ An agency, therefore, cannot create rules at its discretion but instead must limit the rule to the specific empowerments and responsibilities delegated by the Legislature in law.⁶ A rule can be an agency’s interpretation or implementation of a law, and includes forms and applications used to administer a program.⁷

The Florida Administrative Procedures Act (APA)⁸ provides a framework for rulemaking to be followed by agencies.⁹ The APA provides that rulemaking is not a matter of agency discretion; rather, each agency statement that is in effect a “rule” must be adopted by the rulemaking procedure set forth in the APA as soon as feasible and practicable.¹⁰ An agency must notice a majority of these steps in the Florida Administrative Register as the rulemaking progresses, with set times lines to promote the opportunity for public comment.¹¹ At the conclusion of the

¹ Article III, s. 1, FLA. CONST.; *see also* Art. II, s. 3, FLA. CONST.

² Section 120.52(17), F.S. *See also*, *Whiley v. Scott*, 79 So. 3d 702, 710 (Fla. 2011) (“Rulemaking is a derivative of lawmaking.”).

³ *Whiley*, 79 So. 3d 702, 711 (Fla. 2011).

⁴ Sections 120.52(8) and 120.536(1), F.S.

⁵ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

⁶ Section 120.54(1)(a), F.S.

⁷ Section 120.52(16), F.S.

⁸ Sections 120.51 et seq., F.S.

⁹ *Dep’t. of Transp. v. Blackhawk Quarry Co. of Fla.*, 528 So. 2d 447, 449 (Fla. 4th DCA 1988); 2 FLA. JUR. Administrative law s. 5.

¹⁰ Sections 120.52 and 120.54(1); 2 FLA. JUR. Administrative law s. 5.

¹¹ *Rosenzweig v. Dep’t of Transp.*, 979 So. 2d 1050, 1053 (Fla. 1st DCA 2008) (citing *Fla. Home Builders Ass’n v. Dep’t of Labor*, 412 So.2d 351, 352-53 (Fla. 1982)). The FAR is a publication available online, maintained by the DOS, and subject to continuous revision. See s. 120.55, F.S.

rulemaking process, when a rule is adopted, it is typically published in the Florida Administrative Code (FAC).¹²

Generally, under the APA, rulemaking is a process consisting of a series of nondiscretionary activities within specific timeframes. The rulemaking process includes the following steps:

- First, the Legislature enacts a statute granting an agency the authority to make a rule;
- Second, the agency initiates the formal rulemaking process by publishing a notice of rule development in the Florida Administrative Register, which provides the public an initial opportunity to provide input;
- Third, an agency files a notice of intended agency action, which may take the form of a notice of proposed rule, amendment, or repeal. The agency is encouraged to engage in an analysis of the costs related to rulemaking at this time;
- Fourth, an agency must send supporting materials of the proposed action to the Joint Administrative Procedures Committee (JAPC);
- Fifth, the agency files the rule, amendment, or repeal for adoption with the Department of State (DOS); and
- Sixth, the rule, amendment, or repeal becomes effective and is officially published in the FAC.

As further discussed below, at several times throughout this process, citizens, and state bodies, such as JAPC, and the Executive Office of the Governor, through the Office of Fiscal Accountability and Regulatory Reform, have a right to intervene in the process and provide feedback. Consequently, the rulemaking process at times is more complex.

Florida Administrative Register Publication and Coding

Agencies must electronically submit any notice to be published in the Florida Administrative Register (FAR) through DOS's electronic rulemaking website.¹³ All rule notices submitted for publication in the FAR must be coded in the same manner used in legislative documents to aid understanding of the proposed changes—new language is underlined, and deleted language is stricken through. This coding requirement does not extend to documents incorporated into the rule by reference.

The FAR must include the following: (1) all notices required prior to the adoption, amendment, or repeal of any rule, along with the text of all proposed rules; (2) all notices of public meetings, hearings, and workshops, including a statement of the manner in which a copy of the agenda may be obtained; (3) a notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules; (4) notice of petitions for declaratory statements or administrative determinations; (5) a summary of each objection to any rule filed by the JAPC; (6) a list of rules filed for adoption in the previous seven days; (7) a list of all rules filed for adoption pending legislative ratification (a rule is withdrawn from this list once it is ratified or

¹² Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or a state university rules relating to internal personnel or business and finance are not published in the FAC. Forms are not published in the FAC. Section 120.55(1)(a), F.S. Emergency rules are also not published in the FAC. DOS, *Florida Administrative Code & Florida Federal Register*, <https://www.flrules.org/> (last visited on Feb. 3, 2025).

¹³ Fla. Admin. Code R. 1-1.011.

withdrawn); and (8) any other material required or authorized by law or deemed useful by the DOS.¹⁴

Prior to 2012, the FAR was published weekly, resulting in a period of at least 7 days between the agency's publication of a notice of rule development and a notice of intended agency action. In 2012, the Legislature changed the FAR from a weekly publication to a publication that is continuously revised and, as a result, eliminated the 7-day period between the two notices.¹⁵ Now, theoretically, an agency can publish a notice of proposed rule development on Monday and its notice of proposed rule on Tuesday, thereby limiting the public's ability to request a public rule workshop or negotiated rulemaking.

The Florida Administrative Code

The Florida Administrative Code (FAC) is an electronic compilation of all rules adopted by each agency and maintained by the DOS.¹⁶ While the FAR is generally a publication of rulemaking, the FAC is the publication of rules that have completed rulemaking and are now effective—which constitute administrative law. Each rule entry in the FAC must provide the rule's text, cite the grant of rulemaking authority and the specific law implemented, as well as a history note detailing the initial promulgation of the rule and any subsequent changes.¹⁷ Rules applicable to only one school district, community college district, or county or state university rules relating to internal personnel or business and finance are not required to be included in the FAC.¹⁸

The DOS is required to publish the following information at the beginning of each section of the code concerning an agency:

- The address and telephone number of the executive offices of the agency;
- The manner by which the agency indexes its rules; and
- A listing of all rules of that agency excluded from publication in the FAC with a statement as to where those rules may be inspected.¹⁹

Joint Administrative Procedures Committee

Joint Administrative Procedures Committee (JAPC) is a standing committee of the Legislature established by joint rule and created to maintain a continuous review of administrative rules, the statutory authority upon which those rules are based, and the administrative rulemaking process.²⁰ The JAPC *may* examine existing rules, but *must* examine each proposed rule to determine whether:

- The rule is a valid exercise of delegated legislative authority;
- The statutory authority for the rule has been repealed;
- The rule reiterates or paraphrases statutory material;
- The rule is in proper form;
- The notice given prior to adoption was sufficient;

¹⁴ See ss. 120.525, 120.54, and 120.55, F.S.

¹⁵ Chapter 2012-63, Laws of Fla.

¹⁶ Section 120.55(1)(a)1., F.S. See also, Fla. Admin Code. R. 1-1.011(1)(b).

¹⁷ *Id.*

¹⁸ Section 120.55(1)(a)2., F.S.

¹⁹ Section 120.55(1)(a)3., F.S.

²⁰ 2 Fla. Leg. J. Rule 4.6; *see also* s. 120.545, F.S.

- The rule is consistent with expressed legislative intent;
- The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law that the rule implements;
- The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected by the rule;
- The rule could be made less complex or more easily comprehensible to the general public;
- The rule’s statement of estimated regulatory costs (discussed below) complies with the requirements of the APA and whether the rule does not impose regulatory costs on the regulated person, county, or municipality that could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives; or
- The rule will require additional appropriations.²¹

If, during its review, the JAPC has concerns that a proposed or existing rule may not be authorized or exceeds the delegated rulemaking authority, it contacts the agency. Often the agency agrees that there is no authority for the rule and withdraws or amends the rule to meet the staff concerns.²² If there is disagreement, the rule is scheduled for consideration by the full committee. The agency may appear before the JAPC and present argument and evidence in support of its rule. If, after hearing the agency’s argument, the JAPC does not find statutory authority for the rule, it votes on an objection and the agency must respond.²³ If the agency refuses to modify or withdraw a rule to which the JAPC has objected, public notice of the objection is given, and a notation accompanies the rule when it is published in the FAC. The JAPC may also seek judicial review to establish the invalidity of a rule or proposed rule but has not exercised this authority to date.²⁴

The JAPC reviewed a total of 1,074 rules in 2023—the lowest reviewed in the prior 10 years (with the highest number of 2,851 rule reviews in 2015).²⁵

Rulemaking Process

The Administrative Procedure Act (APA)²⁶ provides uniform procedures that agencies must follow when they engage in rulemaking. An agency may initiate rulemaking either as the result of a legislative mandate in statute, public request,²⁷ or its own agency initiative—presuming sufficient rulemaking authority exists in statute.

²¹ Section 120.545(1), F.S.

²² JAPC, *2023 Annual Report* at 1 (Jan. 11, 2024), <https://www.japc.state.fl.us/Documents/Publications/2023AnnualReport.pdf> (last visited Jan. 30, 2025).

²³ Section 120.545(3)-(7), F.S.

²⁴ JAPC, *2023 Annual Report* at 2 (Jan. 11, 2024), <https://www.japc.state.fl.us/Documents/Publications/2023AnnualReport.pdf> (last visited Jan. 30, 2025).

²⁵ *Id.* at 6-8.

²⁶ Chapter 120, F.S.

²⁷ Section 120.54(7)(a), F.S.

Notice of Rule Development

An agency begins the formal rulemaking process²⁸ by filing a notice of rule development in the FAR, which must indicate the subject area to be addressed by the rule development and provide a short, plain explanation of the rule's purpose and effect.²⁹ Such notice is required for all rulemaking (including creation of a new rule and amendment of an existing rule) except for rule repeals. A notice of rule development may, but is not required to, include the preliminary text of the proposed rule or amendment.³⁰

The notice of rule development gives notice to the public, which provides an initial opportunity to participate in the rulemaking process through either a request for a public rule development workshop,³¹ negotiated rulemaking,³² or simply communication of one's position to the agency.³³

Additionally, unless the agency is statutorily required to adopt the rule, it may abandon the rulemaking process at this point.³⁴

Notice of Intended Agency Action

Next, an agency must file a notice of intended agency action, which may be a notice of proposed rule, a notice of proposed amendment to an existing rule, or a notice of rule repeal. The notice must contain the full text and a summary of the proposed rule or amendment, as well as a reference to the grant of rulemaking authority and the specific statute or law the agency is implementing or interpreting.³⁵ The agency must also include a summary of its statement of estimated regulatory costs (SERC), if it prepared one. The notice must be published in the FAR at least 28 days before the agency may execute its intended action.³⁶

Public Input After the Notice of Intended Agency Action

The notice of intended agency action must also provide information detailing how a member of the public can:

- Request that the agency hold a public hearing on the proposed rule. The requesting party must be affected by the proposed rule and must request the hearing within 21 days of the publication of the notice of proposed rule (or other intended agency action);³⁷
- Provide input regarding the agency's SERC;³⁸

²⁸ Alternatively, a person regulated by an agency or having substantial interest in an agency rule may petition the agency to adopt, amend, or repeal a rule. Section 120.54(7), F.S.

²⁹ Section 120.54(2), F.S.

³⁰ Section 120.54(2), F.S., requires the agency to "include the preliminary text of the proposed rules, if available..."

³¹ Section 120.54(2)(c), F.S., requires an agency to hold a public workshop for the purposes of rule development, if requested in writing by an affected person, unless the agency head explains in writing why a workshop is unnecessary.

³² Section 120.54(2)(d), F.S.

³³ Jowanna Oates, The Florida Bar, *Escaping the Labyrinth: A Practical Guide to Rulemaking*, 29 FLA. BAR J. 61, available at <https://www.floridabar.org/the-florida-bar-journal/escaping-the-labyrinth-a-practical-guide-to-rulemaking/> (last visited Feb. 3, 2025).

³⁴ Section 120.54(3)(d)2., F.S.

³⁵ Section 120.54(3)(a), F.S.

³⁶ Section 120.54(3)(a)2., F.S.

³⁷ Section 120.54(3)(c), F.S. The agency cannot file the rule for adoption with the DOS until at least 14 days after the final public hearing has occurred.

³⁸ See "Statement of Estimated Regulatory Cost" section above.

- Submit a lower cost regulatory alternative (LCRA) pursuant to s. 120.541(1)(a), F.S.; or
- Petition for an administrative hearing held by an administrative law judge at the Division of Administrative Hearings (DOAH) on whether the proposed agency action is a proper exercise of authority or is otherwise invalid.³⁹

Generally, a member of the public has 21 days from the agency’s publication of a notice of intended agency action to request or take one of the above actions. To allow time for public input, the time before an agency may file the rule for final adoption (discussed below) is extended by 14-60 days upon the occurrence of one of the above actions.⁴⁰

Statements of Estimated Regulatory Costs (SERC) and Lower Cost Regulatory Alternatives

A SERC is an agency’s estimation of the impact of a rule on the public, focusing on the implementation and compliance costs.⁴¹ An agency is encouraged to prepare a SERC before adopting, amending, or repealing any rule⁴² but is not required to do so unless the proposed action will have a negative impact on small businesses or increase regulatory costs by more than \$200,000 in the aggregate within 1 year.⁴³ If the SERC determines that the rule will exceed the \$200,000 impact threshold, then the rule must be referred for Legislative ratification after its adoption; the rule does not take full effect until ratified by the Legislature.⁴⁴

If the agency created a SERC, it must provide a hyperlink to it in the applicable notice of intended agency action. If the agency revises a rule before its adoption and the revision increases the rule’s regulatory costs, then the agency must revise the SERC appropriately.⁴⁵

A person who is substantially affected by a proposed rule may submit a lower cost regulatory alternative (LCRA) within 21 days of the publication of a notice of intended agency action to adopt, amend, or repeal the relevant rule. A LCRA may recommend that the rule not be adopted at all, if it explains how the lower costs and objectives of the law will be achieved. The submission of an LCRA extends the period for filing a rule by an additional 21 days.⁴⁶

If an agency receives an LCRA, it must prepare a SERC if it has not done so already or revise its prior SERC to reflect the LCRA’s input. The agency must either adopt the LCRA or explain its reasons for rejecting it.⁴⁷ In order to provide adequate time for review, the agency must provide its new or revised SERC to the individual who submitted the LCRA and to the JAPC.⁴⁸ The

³⁹ Section 120.56(2)(a), F.S.

⁴⁰ Section 120.54(3)(e)2., F.S.

⁴¹ Section 120.541(2), F.S.

⁴² Section 120.54(3)(b)1., F.S.

⁴³ *Id* and s. 120.541(2)(a), F.S.

⁴⁴ See s. 120.541(3), F.S., for exceptions for the adoption of specific federal standards and updates to the Florida Building and Fire Prevention Codes. *Fernandez v. Dep’t. of Health, Bd. of Medicine*, 223 So. 3d 1055, 1057-8 (Fla. 1st DCA 2017).

⁴⁵ Section 120.541(1)(c), F.S.

⁴⁶ Section 120.541(1)(a), F.S.

⁴⁷ Section 120.541(1)(d), F.S.

⁴⁸ The Joint Administrative Procedures Committee (JPAC) “examines existing and proposed rules made by agencies in accordance with [the Administrative Procedures Act].” *Comm’n on Ethics v. Sullivan*, 489 So. 2d 10, 14 (Fla. 1986); see s. 120.545, F.S. (referring to “the committee” which section 120.52, F.S., defines as the Administrative Procedures Committee).

agency must also post a notice of the SERC's availability on the agency website at least 21 days before it files the rule for adoption.⁴⁹

Agencies must also separately consider the impact of a proposed rule, amendment, or rule repeal on small businesses, small counties, and small cities, and consider alterations to the rule to lessen any impact to these entities. If an agency determines that a proposed agency action will affect small businesses, then it must forward the notice to the rules ombudsman, an appointee of the Governor.⁵⁰ The rules ombudsman makes recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to business.⁵¹ Each agency must adopt recommendations made by the rules ombudsman to minimize impacts on small businesses, unless the adopting agency finds the recommendation unfeasible or inconsistent with the proposed rule's objectives.⁵²

Notice of Supporting Materials Submitted to JAPC

At least 21 days before the date of adoption of a proposed rule, amendment, or repeal, the agency must send a packet of supporting materials to the JAPC that includes a:⁵³

- Copy of each rule or amendment it proposes to adopt or repeal;
- Copy of any material incorporated by reference therein;
- Detailed written statement of the facts and circumstances which justify the proposed rule amendment, or repeal;
- Copy of any SERC the agency prepared in relation to the proposed rule, amendment, or repeal;
- Statement of how the proposed rule, amendment, or repeal relates to federal standards or rules; and
- Copy of the Notice of Intended Agency Action.

At this time, the JAPC generally begins its review of a proposed rule pursuant to s. 120.545, F.S. (see "Joint Administrative Procedures Committee" section, *infra*).

Materials Incorporated by Reference

The APA allows an agency to incorporate material external to the text of the rule by reference.⁵⁴ The material to be incorporated must exist on the date the rule is adopted.⁵⁵ An agency may not incorporate material by reference in a rule unless:

- The material has been submitted in the prescribed electronic format to the DOS and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the FAC; or
- The agency has determined that posting the material publicly on the Internet would constitute a violation of federal copyright law, in which case a statement stating such, along with the

⁴⁹ *Id.*

⁵⁰ Sections 120.54(3)(b)2. and 288.7015, F.S.

⁵¹ Section 288.7015(3), F.S. *See also*, E.O. 11-01 (establishing the Office of Fiscal Accountability and Regulatory Reform (OFARR)) (renewed by E.O. 11-72 and 11-211).

⁵² Section 120.54(3)(b)2.b.(II), F.S.

⁵³ Section 120.54(3)(a)4., F.S.

⁵⁴ Section 120.54(1)(i), F.S.; *see also*, Fla. Admin. Code R. 1-1.013.

⁵⁵ Section 120.54(1)(i)1., F.S.

address of locations at the DOS and the agency at which the material is available for public inspection and examination, must be included in the notice.⁵⁶

If an agency wishes to alter the material incorporated by reference after the rule is effective, the rule itself must be amended.⁵⁷ However, an agency rule that incorporates another rule by reference automatically incorporates subsequent amendments to the referenced rule.⁵⁸

Notice of Change Submitted to JAPC

If an agency substantively changes the proposed rule or amendment after its initial notice of intended agency action, it must file a notice of change with the JAPC at least 21 days before it files the rule for adoption; this deadline may coincide with the submission deadline of required notice of supporting materials. An agency may substantially change a proposed rule or amendment in response to a public hearing or materials timely submitted to the agency. The notice of change must also be mailed to interested parties and published in the FAR.⁵⁹ The agency must also amend any SERC to reflect the proposed rule's substantive changes.

An agency cannot file the rule for adoption (discussed below) until at least 21 days after this notice of change is filed; however, the period allowed for filing the rule for adoption is extended by 45 days (from a range of 28-90 days to 73-135 days) upon timely filing of a notice of change.

If the agency makes no changes, or only technical changes, to the proposed rule, amendment, or repeal, then it must file a notice of no change with the JAPC at least 7 days before it files the matter for adoption.⁶⁰

Filing for Adoption of the Proposed Agency Action

Generally, an agency must file a rule or amendment for adoption between 28 and 90 days after its notice of intended agency action is published in the FAR; this time can be extended and tolled to accommodate public hearings, SERC revisions, formal hearings at the DOAH, and other rulemaking processes provided for by the APA.⁶¹ Once an agency has completed the rulemaking steps within the appropriate timeframe, the agency may file the rule for adoption with the DOS.⁶² This triggers JAPC's duty to certify the agency's compliance with its inquiries made pursuant to s. 120.545, F.S., if any.

At the time the agency files the rule for adoption, the JAPC must certify to the DOS whether the agency responded to all material and timely written comments or inquiries made on behalf of JAPC (these inquiries are outlined in additional detail above in the "Joint Administrative Procedures" section). If the JAPC notifies the agency that it is considering making an objection to the adopted rule or amendment based on its inquiry, the agency may withdraw or modify the rule by publication in the FAR and notice to interested parties. The agency's rule withdrawal

⁵⁶ Section 120.54(1)(i)3., F.S.

⁵⁷ *Id.*

⁵⁸ Section 120.54(1)(i)2., F.S.

⁵⁹ Section 120.54(3)(d)1., F.S.

⁶⁰ *Id.*

⁶¹ 120.54(3)(e)2., F.S.

⁶² 120.54(3)(e), F.S.

must occur before the rule or amendment becomes effective.⁶³ An agency may re-start rulemaking on the same subject after it has withdrawn a rule and is not required to re-publish a notice of proposed rulemaking in order to do so. However, if the agency's rulemaking is performed pursuant to a legislative delegation, it must continue the rulemaking process until a rule becomes effective.

The DOS may approve an agency rule for adoption if it finds that the agency:

- Filed the rule for adoption within the applicable timeframes;
- Complied with all rulemaking requirements;
- Timely responded to all material and timely written inquiries or comments; and
- Is not engaged in pending administrative determination on the rule in question.⁶⁴

The rule becomes effective 20 days after such filing for adoption, unless a different date is indicated in the rule.⁶⁵

Agency Review of Rules – Annual Regulatory Review

The APA requires each agency to formally review its rules and prepare an agency regulatory plan annually.⁶⁶ A regulatory plan includes a list of each law enacted during the previous 12 months that creates or modifies the duties or authority of the agency, and a statement whether the agency must adopt rules to implement the newly adopted laws.⁶⁷ The regulatory plan must also include a list of each additional law not otherwise listed that the agency expects to implement by rulemaking before the following July 1. The agency head or presiding officer and the principal legal advisor to the agency, must certify that they reviewed the regulatory plan and verify that the agency regularly reviews all of its rules and identify the period during which the rules have most recently been reviewed to determine their continued authority and consistent with implementing laws.⁶⁸

By October 1 of each year, the regulatory plan must be published on the agency's website or on another state website. The agency must also deliver a copy of its certification to the JAPC and publish a notice in the FAR identifying the date of publication of the agency's regulatory plan.⁶⁹

If a newly-enacted law requires implementation by rule, s. 120.54(1)(b), F.S., requires the agency charged with rulemaking to publish a notice of rule development by November 1 after enactment for each law. The notice of intended agency action (usually a notice of proposed rule in this circumstance) must be published by April 1 of the year following the regulatory plan. However, agencies are allowed to file extensions to any rulemaking plans or amended notices

⁶³ Section 120.54(3)(d)3., F.S. An agency may also withdraw or modify a rule after it has become effective if a final order that is not subject to appeal is entered in a pertinent rule challenge or withdraw but not modify the rule when the Legislature did not timely ratify the rule.

⁶⁴ Section 120.54(3)(e)4., F.S.

⁶⁵ Section 120.54(3)(e)6., F.S.

⁶⁶ See s. 120.74, F.S.

⁶⁷ Section 120.74(1), F.S.

⁶⁸ Section 120.74(1)(d), F.S.

⁶⁹ Section 120.74(2), F.S.

under this provision. Thus, this provision does not necessarily ensure that agencies adopt rules mandated by the Legislature in a timely manner.

Emergency Rules

An agency is authorized to respond to immediate dangers to the public health, safety, or welfare by adopting emergency rules.⁷⁰ An emergency rule is not adopted using the same procedures required of other rules.⁷¹ The notice of the emergency rule and the text of the rule is published in the first available issue of the FAR. There is no requirement, however, that an emergency rule be published in the FAC (because emergency rules are temporary in nature).⁷² The agency must publish prior to, or contemporaneously with, the rule's promulgation the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare.⁷³ An emergency rule takes effect immediately, or on a date less than 20 days after filing if specified in the rule.⁷⁴ An emergency rule is only effective for a period of no longer than 90 days.⁷⁵ An emergency rule is not renewable, except when the agency has initiated rulemaking to adopt rules relating to the subject of the emergency rule and a challenge to the proposed rules has been filed and remains pending or the proposed rule is awaiting ratification by the Legislature.⁷⁶ These exceptions allow for continuity of a needed rule where the agency has demonstrated its intent to maintain the policy (via initiation of rulemaking), but the permanent implementation of the rule is delayed for an unknown period of time. In at least one instance, however, an agency has renewed an emergency rule 12 times while its proposed permanent rule successor awaits Legislative ratification.⁷⁷ The validity of an emergency rule may be challenged at DOAH subject to an expedited filing and hearing schedule.⁷⁸

The Office of Legislative Services

The Office of Legislative Services (OLS) oversees the statutory revision plan, which involves recommending the deletion of all laws which have expired, become obsolete, and/or had their effect or served their purpose.⁷⁹ Similarly, the OLS is authorized to include duplicative, redundant, or unused statutory rulemaking authority among its recommended repeals in revisers bill recommendations.⁸⁰ The OLS is also authorized to:

- Award contracts or pay for editorial work, printing, and other things authorized for the statutory revision program;⁸¹ and

⁷⁰ Section 120.54(4), F.S.

⁷¹ Section 120.54(4)(a)1., F.S.

⁷² Section 120.54(4)(a)3, F.S.

⁷³ *Id.*

⁷⁴ Section 120.54(4)(d), F.S.

⁷⁵ Section 120.54(4)(c), F.S.

⁷⁶ *Id.*

⁷⁷ *See* Emergency Rule 65CER22-1, history available at <https://flrules.org/gateway/ruleNo.asp?id=65CER22-1> (last visited Feb. 8, 2025). *See also*, proposed rule 65C-9.004 (not yet adopted), rulemaking history available at <https://flrules.org/gateway/ruleno.asp?id=65C-9.004> (last visited Feb. 8, 2025).

⁷⁸ *Id.*

⁷⁹ Section 11.241(1)(i), F.S.

⁸⁰ Section 11.241(5)(j), F.S.

⁸¹ Section 11.241(6), F.S.

- Exchange Florida Statutes, and other available publications, with the officers, boards, and agencies of other states and of the United States, and with other governments;⁸² and exercise all other powers, duties, and functions necessary or convenient for properly carrying out the provisions of law relating to statutory revision.⁸³

III. Effect of Proposed Changes:

Technical Changes

Section 1 amends s. 120.52, F.S., to define a “technical change” as a change “limited to correcting grammatical, typographical, or similar errors not affecting the substance of the rule.”

Section 2, in part, creates s. 120.54(3)(a)5., F.S., to require an agency to publish a notice of correction in the FAR to detail a technical change made to a notice of intended agency action (rule adoption, amendment, or repeal). Examples of such a change include a technical change to the proposed rule language, an updated e-mail address for the agency employee contact, or a technical change to a SERC. A notice of correction in this instance would not affect the timeframes for filing a rule for adoption.

Section 5 in part, creates s. 120.55(1)(a)6., F.S., to require the DOS to include the date of any technical changes in the history note of the rule in the FAC, and clarifies that a technical change does not affect the effective date of the rule. Additionally, a technical change made after the adoption of a rule must be published as a notice of correction.

Timeline for Publishing a Notice of Proposed Rule

Section 2 amends s. 120.54, F.S., relating to rulemaking procedures, to include clarifying language and to narrow the time an agency has to publish a notice of proposed rule to 90 days after the effective date of the act granting rulemaking authority.⁸⁴ Previously, an agency was required to publish a notice of proposed rule by “April 1 of the year following the deadline for the regulatory plan.”⁸⁵ Assuming a bill’s effective date of July 1, the former deadline to publish a notice of proposed rule was approximately 270 days (9 months) after the delegating law took effect.

Section 6 deletes language from s. 120.74, F.S., which tied agency rulemaking timeframes to the agency regulatory plan, requiring that an agency publish a notice of rule development by November 1 and a notice of proposed rule by April 1 of the year following the deadline for the regulatory plan. The provisions also allowed for an extension for rulemaking upon agency publication of a notice of extension in the FAR.

⁸² Section 11.241(7), F.S.

⁸³ Section 11.241(8), F.S.

⁸⁴ Prior to 2015, section 120.54, F.S., directed agencies to notice proposed rules within 180 days after the effective date of an act requiring mandatory rulemaking. This provision was removed with the enactment of the annual regulatory provision - s. 120.74, F.S. Adding the 180-day rulemaking requirement will likely give the JAPC greater oversight authority.

⁸⁵ Section 120.74(5), F.S.

Public Notices

Section 2 amends s. 120.54(3), F.S., to expand the information required in notices of intended agency action to include the proposed rule number and the name, e-mail address, and telephone number of the agency employee who can be contacted with questions regarding the intended action.

Additionally, the bill re-instates the requirement that an agency publish its notice of proposed rulemaking for at least 7 days before it can publish a notice of intended agency action.

The bill allows the agency to electronically deliver notices of intended agency action to all persons who are named in the proposed rule and to those who requested a notice of proceedings at least 14 days before the agency's delivery.

The bill expands the function of a notice of change to include it as a tool for public notice of technical changes made to a Notice of Intended Agency Action (both to the notice itself, and to proposed rule text). Previously, a notice of change was used to notify the public of a change to a proposed rule that occurred after the final hearing on the proposed rule or after time for such a hearing had expired.

Material Incorporated by Reference in Rules

Section 2 amends s. 120.54(1) and (3), F.S., to require all rules proposed after July 1, 2025, and adopted or reviewed to have the full text of any incorporated materials published electronically within the notice of proposed rulemaking (if available) and the notice of intended agency action. The material incorporated by reference must also be available via hyperlink in the FAC after the rule is adopted. If such posting would violate federal copyright law, then the agency must make a statement to that effect and provide the address of the location at DOS and the agency where the material available for public inspection and examination.

Additionally, an agency update to material incorporated by reference into a rule, must be coded by underlining new text and striking through deleted text to reflect the changes.

Section 5 amends the DOS's rulemaking authority to allow it to prescribe rules requiring an agency to provide in its rulemaking notices a coded copy of any documents it creates and proposes to incorporate by reference.

Legislative Ratification

Section 2 amends s. 120.54(3)(d)3.c., F.S., to limit the time for ratification of a rule by the Legislature to one regular legislative session after the agency submits the rule for ratification. If the Legislature does not ratify the rule during the regular session immediately following the filing for adoption, the agency must withdraw the rule and re-start the rulemaking process within 90 days of adjournment sine die (assuming the continued existence the underlying delegation of legislative authority that requires rulemaking).

Section 3 amends s. 120.541(3), F.S., to require an agency to notify the JAPC within 3 business days of its submission of a rule to the Legislature for ratification.

Emergency Rules

Section 2 amends s. 120.54(4), F.S., to make several changes regarding the creation and duration of emergency rules. The bill clarifies that an agency may adopt an emergency rule both where it finds an immediate danger to the public health, safety, or welfare which requires emergency action, or *where the Legislature authorizes* the agency to adopt emergency rules based on its own finding of an immediate danger. While agencies have historically adopted administrative rules pursuant to both authorities, the bill formalizes the agency's emergency action authority to do so.

The bill requires a notice of emergency rule to include the agency's grant of emergency rulemaking authority or finding of immediate danger, necessity, and procedural fairness. By incorporating this information into the notice of emergency rule, it must be published in the FAR and included in the publication of the final emergency rule to be published in the FAC.

Agencies are not currently allowed to edit an emergency rule after its publication. The bill would allow an agency to:

- Make a technical change to the emergency rule within the first 7 days after it is adopted, assuming the change is published in the FAR as a notice of correction;
- Supersede the emergency rule currently in effect with a new version of the rule—which may only have effect for the remaining duration of the initial emergency rule. The agency's adoption of a superseding rule must be achieved through the same processes as initial adoption of an emergency rule; and
- Repeal an emergency rule before its expiration by providing a notice in the FAR with a short, plain explanation as to why the conditions of immediate danger specified in the adoption notice no longer require the emergency rule.

This section further provides for the renewal of an emergency rule. The notice of the renewal must be published in the FAR before the expiration of the existing emergency rule and must state the specific facts and reasons for the renewal. For emergency rules intended to replace existing rules with an effective period greater than 90 days, a note must be added to the history note of the existing rule which specifically identifies the emergency rule that is intended to supersede the existing rule and includes the date that the emergency rule was filed with the DOS.

JAPC Notifications

Sections 2-3 amend ss. 120.54(3)(b), 120.54(7), and 120.541(1)(a), F.S., respectively, to require the agency to provide the JAPC a copy of the following within 7 days of the agency's receipt thereof or response to:

- A LCRA received during the rulemaking proceeding;
- A petition to adopt, amend, or repeal a rule, or provide minimum public information required by ch. 120, F.S. (the agency must also notify the committee of its intended action or response to such requests within 7 days); and
- A regulatory alternative provided by the rules ombudsman.

Section 3 further provides that that an LCRA submitted after an agency's change to a proposed rule is deemed to be made "in good faith" if it states the person's reasons for believing the proposed rule as changed increases the regulatory costs or creates an adverse impact on small business that the previous proposed rule did not.

Section 2 requires an agency to provide notice to the JAPC of any regulatory alternative offered to the agency by the rules ombudsman of the Executive Office of the Governor before filing the rule for adoption.

Rule Review

Sections 4 and 6 create a rule review process that each agency, in coordination with the JAPC, must undertake between July 1, 2025, and July 1, 2030. The goal of the review is to ensure appropriate statutory authority; review the rule's exercise of delegated legislative authority; bring all rules under the same requirements (to have, for example, all materials incorporated by reference electronically-available); and allow for general clean-up of text that may not have been reviewed recently.

Beginning October 1, 2025, each agency must create a list of its existing rules and include the list in its annual agency regulatory plan. The agency regulatory plan must further detail an annual schedule of the rules the agency will review each year—totally approximately 20% of the total existing rules annually.

The agency must take one of four actions as part of its rule review: (1) make no change to the rule; (2) make a technical change to the rule; (3) substantively amend the rule; or (4) repeal the rule. By January 1 of each year of the review, the agency must submit a report to the President of the Senate and Speaker of the House of Representatives to indicate which of the above actions the agency plans to take on each rule subject to review during that fiscal year. The agency must have completed (for instances where it makes no change, or a technical change) or commenced the action (for instances where it will substantively amend or repeal the rule) by April 1.

Those rules to which the agency makes no change, or only a technical change, during its rule review are not subject to challenge or hearing otherwise provided for in the APA. If the agency chooses to make a substantive amendment or to repeal a reviewed rule, however, it must use the procedures otherwise outlined in the APA to do so. Further, the amendment or repeal is subject to challenge or hearing as otherwise prescribed in the APA.

The agency must support its actions in the rule review with a written statement of its intended action, its assessment of specific factors outlined in statute, a coded version of the recommended changes (if applicable), and a statement of the facts and circumstances justifying any recommended change. The agency must submit these documents to the JAPC, which will then examine the submissions and make additional inquiries, if needed. If the agency recommends no change or a technical change, the JAPC must complete this examination within 90 days of its receipt of the agency's submissions and ultimately certify whether the agency responded appropriately to its inquiries.

The agency may alter its rule review schedule in its next annual regulatory plan. If the agency fails to timely conclude a rule review in accordance with its schedule, it must identify the ongoing rule review and either list the rule in its next agency regulatory plan and notify the JAPC of such action or explain why the rule review is no longer necessary. Additionally, **section 5** amends s. 120.55(1)(b), F.S., to require the DOS to publish a list of all rules that were not timely reviewed by their agency in the FAR and update the list at least annually.

After the agency has completed its rule review process and received a certification from the JAPC, it may electronically file a certified copy of the reviewed rule (to which no change, or technical changes were made) with the DOS. The agency completes its rule review for rules that are substantively amended or repealed when it has filed a notice of proposed rule pursuant to s. 120.54, F.S.

The DOS must document the rule review by notice in the FAR and update the rule's history note in the FAC to reflect the rule review's date of completion.

The bill grants the DOS authority to adopt rules to implement the rule review process by no later than December 31, 2025.

Section 120.5435, F.S., created by section 4, is scheduled to repeal on July 1, 2032, unless reviewed and saved from repeal through reenactment by the Legislature.

DOS Publication of the FAR and the FAC

Section 2 amends s. 120.54(3)(e), F.S., to reduce paperwork requirements by requiring an agency to file with the DOS one electronic, rather than three paper, certified copies of a proposed rule and one certified copy of any material incorporated by reference in the rule.

Section 5 amends s. 120.55, F.S., which provides FAC publication requirements for the DOS. This section incorporates changes to notices required during rulemaking made elsewhere in the bill. Additionally, this section requires each agency to publish at the beginning of the section of code that deals with its subject matter a list of all forms and materials incorporated by reference into its rules.

Effective Date

Section 7 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

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 bill provides additional public notice in rulemaking. This should make it easier for the public to engage in rulemaking.

C. Government Sector Impact:

The bill may have an indeterminate, negative fiscal impact on state government. The JAPC and agencies will be required to perform additional work relating to the rule review over the next 5 years. Additionally, there are new notice and publication requirements within the rulemaking process that may create additional workload. Agencies and the JAPC will likely be required to spend funds to implement the bill's requirements. Whether these requirements may be absorbed within each agency's existing resources is not known.

However, agencies should have sufficient time to request additional funding or personnel should they determine a need for additional resources.

The DOS may have additional costs associated with rulemaking.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.52, 120.54, 120.541, 120.55, and 120.74. The bill additionally creates section 120.5435 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.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (20), (21), and (22) of
section 120.52, Florida Statutes, are redesignated as
subsections (21), (22), and (23), respectively, and a new
subsection (20) is added to that section, to read:

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change limited to
correcting citations or grammatical, typographical, or similar



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12 errors that do not affect the substance of the rule.

13 Section 2. Paragraphs (b) and (i) of subsection (1),
14 paragraph (a) of subsection (2), paragraphs (a), (b), (d), and
15 (e) of subsection (3), subsection (4), and paragraph (a) of
16 subsection (7) of section 120.54, Florida Statutes, are amended
17 to read:

18 120.54 Rulemaking.—

19 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
20 EMERGENCY RULES.—

21 (b) Whenever an act of the Legislature is enacted which
22 requires implementation of the act by rules of an agency within
23 the executive branch of state government, the agency must
24 publish a notice of intended agency action ~~such rules shall be~~
25 ~~drafted and formally proposed~~ as provided in this section within
26 90 days after the effective date of the act granting rulemaking
27 authority ~~within the times provided in s. 120.74(4) and (5).~~

28 (i)1. A rule may incorporate material by reference but only
29 as the material exists on the date the rule is adopted. For
30 purposes of the rule, changes in the material are not effective
31 unless the rule is amended to incorporate the changes.

32 2. An agency rule that incorporates by specific reference
33 another rule of that agency automatically incorporates
34 subsequent amendments to the referenced rule unless a contrary
35 intent is clearly indicated in the referencing rule. A notice of
36 amendments to a rule that has been incorporated by specific
37 reference in other rules of that agency must explain the effect
38 of those amendments on the referencing rules.

39 3. In rules adopted after December 31, 2010, or reviewed
40 pursuant to s. 120.5435, material may not be incorporated by



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41 reference unless:

42 a. The material has been submitted in the prescribed
43 electronic format to the Department of State and the full text
44 of the material can be made available for free public access
45 through an electronic hyperlink from the rule making the
46 reference in the Florida Administrative Code; or

47 b. The agency has determined that posting the material on
48 the Internet for purposes of public examination and inspection
49 would constitute a violation of federal copyright law, in which
50 case a statement to that effect, along with the addresses
51 ~~address~~ of the locations at the Department of State and the
52 agency at which the material is available for public inspection
53 and examination, must be included in the notice required by
54 subparagraph (3)(a)1.

55 4. In rules proposed after July 1, 2025, material may not
56 be incorporated by reference unless:

57 a. The material has been submitted in the prescribed
58 electronic format to the Department of State and the full text
59 of the material, in a text-searchable format, can be made
60 available for free public access through an electronic hyperlink
61 from the rule making the reference in the Florida Administrative
62 Register; or

63 b. The agency has determined that posting the material on
64 the Internet for purposes of public examination and inspection
65 would constitute a violation of federal copyright law, in which
66 case a statement to that effect, along with the addresses of the
67 locations at the Department of State and the agency at which the
68 material is available for public inspection and examination,
69 must be included in the notice required by subparagraph (3)(a)1.



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70 5. A rule may not be amended by reference only. Amendments
71 must set out the amended rule in full in the same manner as
72 required by the State Constitution for laws.

73 ~~6.5.~~ Notwithstanding any contrary provision in this
74 section, when an adopted rule of the Department of Environmental
75 Protection or a water management district is incorporated by
76 reference in the other agency's rule to implement a provision of
77 part IV of chapter 373, subsequent amendments to the rule are
78 not effective as to the incorporating rule unless the agency
79 incorporating by reference notifies the committee and the
80 Department of State of its intent to adopt the subsequent
81 amendment, publishes notice of such intent in the Florida
82 Administrative Register, and files with the Department of State
83 a copy of the amended rule incorporated by reference. Changes in
84 the rule incorporated by reference are effective as to the other
85 agency 20 days after the date of the published notice and filing
86 with the Department of State. The Department of State shall
87 amend the history note of the incorporating rule to show the
88 effective date of such change. Any substantially affected person
89 may, within 14 days after the date of publication of the notice
90 of intent in the Florida Administrative Register, file an
91 objection to rulemaking with the agency. The objection must
92 ~~shall~~ specify the portions of the rule incorporated by reference
93 to which the person objects and the reasons for the objection.
94 The agency does ~~shall~~ not have the authority under this
95 subparagraph to adopt those portions of the rule specified in
96 such objection. The agency shall publish notice of the objection
97 and of its action in response in the next available issue of the
98 Florida Administrative Register.



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99 7. If an agency updates or makes a change to a document the
100 agency created and which is incorporated by reference pursuant
101 to paragraph (3)(a) or subparagraph (3)(e)1., the update or
102 change must be coded by underlining new text and striking
103 through deleted text.

104 ~~8.6.~~ The Department of State may adopt by rule requirements
105 for incorporating materials pursuant to this paragraph.

106 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—

107 (a) Except when the intended action is the repeal of a
108 rule, agencies shall provide notice of the development of
109 proposed rules by publication of a notice of rule development in
110 the Florida Administrative Register before providing notice of a
111 proposed rule as required by paragraph (3)(a). The notice of
112 rule development must ~~shall~~ indicate the subject area to be
113 addressed by rule development, provide a short, plain
114 explanation of the purpose and effect of the proposed rule, cite
115 the specific legal authority for the proposed rule, and include
116 the preliminary text of the proposed rules and incorporated
117 documents, if available, or a statement of how a person may
118 promptly obtain, without cost, a copy of any preliminary draft,
119 if available.

120 (3) ADOPTION PROCEDURES.—

121 (a) *Notices.*—

122 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
123 any rule other than an emergency rule, an agency shall, upon
124 approval of the agency head, ~~shall~~ give notice of its intended
125 action, setting forth a short, plain explanation of the purpose
126 and effect of the proposed action; the rule number; the full
127 text of the proposed rule or amendment and a summary thereof; a



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128 reference to the grant of rulemaking authority pursuant to which
129 the rule is adopted; ~~and~~ a reference to the section or
130 subsection of the Florida Statutes or the Laws of Florida being
131 implemented or interpreted; and the name, e-mail address, and
132 telephone number of the agency employee who may be contacted
133 regarding the intended action. The notice must include a summary
134 of the agency's statement of the estimated regulatory costs, if
135 one has been prepared, based on the factors set forth in s.
136 120.541(2); a statement that any person who wishes to provide
137 the agency with information regarding the statement of estimated
138 regulatory costs, or to provide a proposal for a lower cost
139 regulatory alternative as provided by s. 120.541(1), must do so
140 in writing within 21 days after publication of the notice; and a
141 statement as to whether, based on the statement of the estimated
142 regulatory costs or other information expressly relied upon and
143 described by the agency if no statement of regulatory costs is
144 required, the proposed rule is expected to require legislative
145 ratification pursuant to s. 120.541(3). The notice must state
146 the procedure for requesting a public hearing on the proposed
147 rule. Except when the intended action is the repeal of a rule,
148 the notice must include a reference both to the date on which
149 and to the place where the notice of rule development that is
150 required by subsection (2) appeared.

151 2. The notice must ~~shall~~ be published in the Florida
152 Administrative Register at least 7 days after the notice of rule
153 development and at least ~~not less than~~ 28 days before ~~prior to~~
154 the intended action. The proposed rule, including all material
155 proposed to be incorporated by reference, must ~~shall~~ be
156 available for inspection and copying by the public at the time



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157 of the publication of notice. Material proposed to be
158 incorporated by reference in the notice required by this
159 paragraph must be made available in the manner prescribed by
160 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

161 3. The notice must ~~shall~~ be mailed or delivered
162 electronically to all persons named in the proposed rule and to
163 all persons who have made, at least 14 days before ~~prior to~~ such
164 mailing or delivery, ~~have made~~ requests of the agency for
165 advance notice of its proceedings. The agency shall also give
166 such notice as is prescribed by rule to those particular classes
167 of persons to whom the intended action is directed.

168 4. The adopting agency shall file with the committee, at
169 least 21 days before ~~prior to~~ the proposed adoption date, a copy
170 of each rule it proposes to adopt; a copy of any material
171 incorporated by reference in the rule; a detailed written
172 statement of the facts and circumstances justifying the proposed
173 rule; a copy of any statement of estimated regulatory costs that
174 has been prepared pursuant to s. 120.541; a statement of the
175 extent to which the proposed rule relates to federal standards
176 or rules on the same subject; and the notice required by
177 subparagraph 1.

178 5. If any of the information, other than substantive
179 changes to the rule text, which is required to be included in
180 the notice under subparagraph 1. is omitted or is incorrect, the
181 agency must publish a notice of correction in the Florida
182 Administrative Register at least 7 days before the intended
183 agency action. The publication of a notice of correction does
184 not affect the timeframes for filing the rule for adoption as
185 set forth in paragraph (e). Technical changes must be published



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186 as a notice of correction.

187 (b) *Special matters to be considered in rule adoption.*—

188 1. Statement of estimated regulatory costs.—Before the
189 adoption, amendment, or repeal of any rule other than an
190 emergency rule, an agency is encouraged to prepare a statement
191 of estimated regulatory costs of the proposed rule, as provided
192 by s. 120.541. However, an agency must prepare a statement of
193 estimated regulatory costs of the proposed rule, as provided by
194 s. 120.541, if:

195 a. The proposed rule will have an adverse impact on small
196 business; or

197 b. The proposed rule is likely to directly or indirectly
198 increase regulatory costs in excess of \$200,000 in the aggregate
199 in this state within 1 year after the implementation of the
200 rule.

201 2. Small businesses, small counties, and small cities.—

202 a. Each agency, before the adoption, amendment, or repeal
203 of a rule, shall consider the impact of the rule on small
204 businesses as defined by s. 288.703 and the impact of the rule
205 on small counties or small cities as defined by s. 120.52.
206 Whenever practicable, an agency shall tier its rules to reduce
207 disproportionate impacts on small businesses, small counties, or
208 small cities to avoid regulating small businesses, small
209 counties, or small cities that do not contribute significantly
210 to the problem the rule is designed to address. An agency may
211 define “small business” to include businesses employing more
212 than 200 persons, may define “small county” to include those
213 with populations of more than 75,000, and may define “small
214 city” to include those with populations of more than 10,000, if



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215 it finds that such a definition is necessary to adapt a rule to
216 the needs and problems of small businesses, small counties, or
217 small cities. The agency shall consider each of the following
218 methods for reducing the impact of the proposed rule on small
219 businesses, small counties, and small cities, or any combination
220 of these entities:

221 (I) Establishing less stringent compliance or reporting
222 requirements in the rule.

223 (II) Establishing less stringent schedules or deadlines in
224 the rule for compliance or reporting requirements.

225 (III) Consolidating or simplifying the rule's compliance or
226 reporting requirements.

227 (IV) Establishing performance standards or best management
228 practices to replace design or operational standards in the
229 rule.

230 (V) Exempting small businesses, small counties, or small
231 cities from any or all requirements of the rule.

232 b.(I) If the agency determines that the proposed action
233 will affect small businesses as defined by the agency as
234 provided in sub-subparagraph a., the agency must ~~shall~~ send
235 written notice of the rule to the rules ombudsman in the
236 Executive Office of the Governor at least 28 days before the
237 intended action.

238 (II) Each agency shall adopt those regulatory alternatives
239 offered by the rules ombudsman in the Executive Office of the
240 Governor and provided to the agency no later than 21 days after
241 the rules ombudsman's receipt of the written notice of the rule
242 which it finds are feasible and consistent with the stated
243 objectives of the proposed rule and which would reduce the



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244 impact on small businesses. When regulatory alternatives are
245 offered by the rules ombudsman in the Executive Office of the
246 Governor, the 90-day period for filing the rule in subparagraph
247 (e)2. is extended for a period of 21 days. An agency shall
248 provide the committee a copy of any regulatory alternative
249 offered to the agency within 7 days after its delivery to the
250 agency. The agency may not file a rule for adoption before such
251 regulatory alternative, if applicable, has been provided to the
252 committee.

253 (III) If an agency does not adopt all alternatives offered
254 pursuant to this sub-subparagraph, it must ~~shall~~, before rule
255 adoption or amendment and pursuant to subparagraph (d)1., file a
256 detailed written statement with the committee explaining the
257 reasons for failure to adopt such alternatives. Within 3 working
258 days after the filing of such notice, the agency shall send a
259 copy of such notice to the rules ombudsman in the Executive
260 Office of the Governor.

261 (d) *Modification or withdrawal of proposed rules.*—

262 1. After the final public hearing on the proposed rule, or
263 after the time for requesting a hearing has expired, if the rule
264 has not been changed from the rule as previously filed with the
265 committee, or contains only technical changes, the adopting
266 agency must ~~shall~~ file a notice to that effect with the
267 committee at least 7 days before ~~prior to~~ filing the rule for
268 adoption. Any change, other than a technical change that does
269 not affect the substance of the rule, must be supported by the
270 record of public hearings held on the rule, must be in response
271 to written material submitted to the agency within 21 days after
272 the date of publication of the notice of intended agency action



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273 or submitted to the agency between the date of publication of
274 the notice and the end of the final public hearing, or must be
275 in response to a proposed objection by the committee. In
276 addition, when any change is made in a proposed rule, other than
277 a technical change, the adopting agency shall provide a copy of
278 a notice of change by certified mail or actual delivery to any
279 person who requests it in writing no later than 21 days after
280 the notice required in paragraph (a). The agency shall file the
281 notice of change with the committee, along with the reasons for
282 the change, and provide the notice of change to persons
283 requesting it, at least 21 days before ~~prior to~~ filing the rule
284 for adoption. The notice of change must ~~shall~~ be published in
285 the Florida Administrative Register at least 21 days before
286 ~~prior to~~ filing the rule for adoption. This subparagraph does
287 not apply to emergency rules adopted pursuant to subsection (4).
288 Material proposed to be incorporated by reference in the notice
289 required by this subparagraph must be made available in the
290 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
291 subparagraph (1)(i)3.b.

292 2. After the notice required by paragraph (a) and before
293 ~~prior to~~ adoption, the agency may withdraw the rule in whole or
294 in part.

295 3. After adoption and before the rule becomes effective, a
296 rule may be modified or withdrawn only in the following
297 circumstances:

298 a. When the committee objects to the rule;

299 b. When a final order, which is not subject to further
300 appeal, is entered in a rule challenge brought pursuant to s.
301 120.56 after the date of adoption but before the rule becomes



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302 effective pursuant to subparagraph (e)6.;

303 c. If the rule requires ratification, when ~~more than 90~~
304 ~~days have passed since the rule was filed for adoption without~~
305 the Legislature does not ratify ~~ratifying~~ the rule by the
306 adjournment sine die of the regular session immediately
307 following the filing for adoption of the rule, in which case the
308 rule must ~~may~~ be withdrawn, and within 90 days after adjournment
309 sine die, the agency:

310 (I) May initiate rulemaking again by publishing the notice
311 required by s. 120.54(3)(a); or

312 (II) Must initiate rulemaking again by publishing the
313 notice required by s. 120.54(3)(a), if the mandatory grant of
314 rulemaking authority the agency relied upon as authority to
315 pursue the original rule action is still in effect at the time
316 of the original rule's withdrawal ~~but may not be modified; or~~

317 d. When the committee notifies the agency that an objection
318 to the rule is being considered, in which case the rule may be
319 modified to extend the effective date by not more than 60 days.

320 4. The agency shall give notice of its decision to withdraw
321 or modify a rule in the first available issue of the publication
322 in which the original notice of rulemaking was published, shall
323 notify those persons described in subparagraph (a)3. in
324 accordance with the requirements of that subparagraph, and must
325 ~~shall~~ notify the Department of State if the rule is required to
326 be filed with the Department of State.

327 5. After a rule has become effective, it may be repealed or
328 amended only through the rulemaking procedures specified in this
329 chapter.

330 (e) *Filing for final adoption; effective date.*—



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331 1. If the adopting agency is required to publish its rules
332 in the Florida Administrative Code, the agency, upon approval of
333 the agency head, must electronically ~~shall~~ file with the
334 Department of State a three certified copy ~~copies~~ of the rule it
335 proposes to adopt; one copy of any material incorporated by
336 reference in the rule, certified by the agency; a summary of the
337 rule; a summary of any hearings held on the rule; and a detailed
338 written statement of the facts and circumstances justifying the
339 rule. Agencies not required to publish their rules in the
340 Florida Administrative Code shall file one certified copy of the
341 proposed rule, and the other material required by this
342 subparagraph, in the office of the agency head, and such rules
343 must ~~shall~~ be open to the public.

344 2. A rule may not be filed for adoption less than 28 days
345 or more than 90 days after the notice required by paragraph (a),
346 until 21 days after the notice of change required by paragraph
347 (d), until 14 days after the final public hearing, until 21 days
348 after a statement of estimated regulatory costs required under
349 s. 120.541 has been provided to all persons who submitted a
350 lower cost regulatory alternative and made available to the
351 public, or until the administrative law judge has rendered a
352 decision under s. 120.56(2), whichever applies. When a required
353 notice of change is published before ~~prior to~~ the expiration of
354 the time to file the rule for adoption, the period during which
355 a rule must be filed for adoption is extended to 45 days after
356 the date of publication. If notice of a public hearing is
357 published before ~~prior to~~ the expiration of the time to file the
358 rule for adoption, the period during which a rule must be filed
359 for adoption is extended to 45 days after adjournment of the



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360 final hearing on the rule, 21 days after receipt of all material
361 authorized to be submitted at the hearing, or 21 days after
362 receipt of the transcript, if one is made, whichever is latest.
363 The term "public hearing" includes any public meeting held by
364 any agency at which the rule is considered. If a petition for an
365 administrative determination under s. 120.56(2) is filed, the
366 period during which a rule must be filed for adoption is
367 extended to 60 days after the administrative law judge files the
368 final order with the clerk or until 60 days after subsequent
369 judicial review is complete.

370 3. At the time a rule is filed, the agency shall certify
371 that the time limitations prescribed by this paragraph have been
372 complied with, that all statutory rulemaking requirements have
373 been met, and that there is no administrative determination
374 pending on the rule.

375 4. At the time a rule is filed, the committee shall certify
376 whether the agency has responded in writing to all material and
377 timely written comments or written inquiries made on behalf of
378 the committee. The department shall reject any rule that is not
379 filed within the prescribed time limits; that does not comply
380 with all statutory rulemaking requirements and rules of the
381 department; upon which an agency has not responded in writing to
382 all material and timely written inquiries or written comments;
383 upon which an administrative determination is pending; or which
384 does not include a statement of estimated regulatory costs, if
385 required.

386 5. If a rule has not been adopted within the time limits
387 imposed by this paragraph or has not been adopted in compliance
388 with all statutory rulemaking requirements, the agency proposing



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389 the rule must ~~shall~~ withdraw the rule and give notice of its
390 action in the next available issue of the Florida Administrative
391 Register.

392 6. The proposed rule is ~~shall be~~ adopted upon ~~on~~ being
393 filed with the Department of State and becomes ~~become~~ effective
394 20 days after being filed, on a later date specified in the
395 notice required by subparagraph (a)1., on a date required by
396 statute, or upon ratification by the Legislature pursuant to s.
397 120.541(3). Rules not required to be filed with the Department
398 of State ~~shall~~ become effective when adopted by the agency head,
399 on a later date specified by rule or statute, or upon
400 ratification by the Legislature pursuant to s. 120.541(3). If
401 the committee notifies an agency that an objection to a rule is
402 being considered, the agency may postpone the adoption of the
403 rule to accommodate review of the rule by the committee. When an
404 agency postpones adoption of a rule to accommodate review by the
405 committee, the 90-day period for filing the rule is tolled until
406 the committee notifies the agency that it has completed its
407 review of the rule.

408
409 For the purposes of this paragraph, the term "administrative
410 determination" does not include subsequent judicial review.

411 (4) EMERGENCY RULES.—

412 (a) If an agency finds that an immediate danger to the
413 public health, safety, or welfare requires emergency action, or
414 if the Legislature authorizes the agency to adopt emergency
415 rules and finds that all conditions specified in this paragraph
416 are met, the agency may, within the authority granted to the
417 agency under the State Constitution or delegated to it by the



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418 Legislature, adopt any rule necessitated by the immediate danger
419 or legislative finding. The agency may adopt a rule by any
420 procedure which is fair under the circumstances if:

421 1. The procedure provides at least the procedural
422 protection given by other statutes, the State Constitution, or
423 the United States Constitution.

424 2. The agency takes only that action necessary to protect
425 the public interest under the emergency procedure.

426 3. The agency publishes in writing at the time of, or prior
427 to, its action the specific facts and reasons for finding an
428 immediate danger to the public health, safety, or welfare and
429 its reasons for concluding that the procedure used is fair under
430 the circumstances. In any event, notice of emergency rules,
431 other than those of educational units or units of government
432 with jurisdiction in only one or a part of one county, including
433 the full text of the rules and the agency's findings of
434 immediate danger, necessity, and procedural fairness or a
435 citation to the grant of emergency rulemaking authority, must
436 ~~shall~~ be published in the first available issue of the Florida
437 Administrative Register and provided to the committee along with
438 any material incorporated by reference in the rules. The
439 agency's findings of immediate danger, necessity, and procedural
440 fairness are ~~shall be~~ judicially reviewable.

441 (b) Rules pertaining to the public health, safety, or
442 welfare must ~~shall~~ include rules pertaining to perishable
443 agricultural commodities or rules pertaining to the
444 interpretation and implementation of the requirements of
445 chapters 97-102 and chapter 105 of the Election Code.

446 (c) 1. An emergency rule adopted under this subsection may



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447 ~~shall~~ not be effective for a period longer than 90 days and may
448 ~~shall~~ not be renewable, except when the agency has initiated
449 rulemaking to adopt rules addressing the subject of the
450 emergency rule and either:

451 a.1. A challenge to the proposed rules has been filed and
452 remains pending; or

453 b.2. The proposed rules are awaiting ratification by the
454 Legislature pursuant to s. 120.541(3). If the proposed rule is
455 not ratified during the next regular legislative session, the
456 emergency rule shall expire at adjournment sine die of that
457 regular legislative session. The proposed rule must be withdrawn
458 from ratification in accordance with s. 120.54(3)(d).

459 2. Nothing in This paragraph does not prohibit ~~prohibits~~
460 the agency from adopting a rule or rules identical to the
461 emergency rule through the rulemaking procedures specified in
462 subsection (3).

463 (d) Notice of the renewal of an emergency rule must be
464 published in the Florida Administrative Register before the
465 expiration of the existing emergency rule. The notice of renewal
466 must state the specific facts and reasons for such renewal.

467 (e) For emergency rules with an effective period greater
468 than 90 days which are intended to replace existing rules, a
469 note must be added to the history note of the existing rule
470 which specifically identifies the emergency rule that is
471 intended to supersede the existing rule and includes the date
472 that the emergency rule was filed with the Department of State.

473 (f) Emergency rules must be published in the Florida
474 Administrative Code.

475 (g) An agency may supersede an emergency rule in effect



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476 through adoption of another emergency rule before the superseded
477 rule expires. The reason for adopting the superseding rule must
478 be stated in accordance with the procedures set forth in
479 paragraph (a), and the superseding rule is in effect during the
480 effective period of the superseded rule.

481 (h) An agency may make technical changes to an emergency
482 rule within the first 7 days after the rule is adopted, and such
483 changes must be published in the Florida Administrative Register
484 as a notice of correction.

485 (i) Subject to applicable constitutional and statutory
486 provisions, an emergency rule becomes effective immediately on
487 filing, or on a date less than 20 days thereafter if specified
488 in the rule, if the adopting agency finds that such effective
489 date is necessary because of immediate danger to the public
490 health, safety, or welfare.

491 (j) An agency may repeal an emergency rule before it
492 expires by providing notice of its intended action in the
493 Florida Administrative Register. The notice must include the
494 full text of the emergency rule and a summary thereof; if
495 applicable, a reference to the rule number; and a short, plain
496 explanation as to why the conditions specified in accordance
497 with paragraph (a) no longer require the emergency rule.

498 (7) PETITION TO INITIATE RULEMAKING.—

499 (a) Any person regulated by an agency or having substantial
500 interest in an agency rule may petition an agency to adopt,
501 amend, or repeal a rule or to provide the minimum public
502 information required by this chapter. The petition must shall
503 specify the proposed rule and action requested. The agency shall
504 provide to the committee a copy of the petition within 7 days



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505 after its receipt. No ~~Not~~ later than 30 calendar days following
506 the date of filing a petition, the agency shall initiate
507 rulemaking proceedings under this chapter, otherwise comply with
508 the requested action, or deny the petition with a written
509 statement of its reasons for the denial. The agency shall notify
510 the committee of its intended action or response within 7 days.

511 Section 3. Paragraph (a) of subsection (1) and subsection
512 (3) of section 120.541, Florida Statutes, are amended, and
513 subsection (4) of that section is reenacted, to read:

514 120.541 Statement of estimated regulatory costs.—

515 (1) (a) Within 21 days after publication of the notice
516 required under s. 120.54(3) (a), a substantially affected person
517 may submit to an agency a good faith written proposal for a
518 lower cost regulatory alternative to a proposed rule which
519 substantially accomplishes the objectives of the law being
520 implemented. The proposal may include the alternative of not
521 adopting any rule if the proposal explains how the lower costs
522 and objectives of the law will be achieved by not adopting any
523 rule. If submitted after a notice of change, a proposal for a
524 lower cost regulatory alternative is deemed to be made in good
525 faith only if the person reasonably believes, and the proposal
526 states, the person's reasons for believing that the proposed
527 rule as changed by the notice of change increases the regulatory
528 costs or creates an adverse impact on small businesses which was
529 not created by the previously proposed rule. If such a proposal
530 is submitted, the 90-day period for filing the rule is extended
531 21 days. Upon the submission of the lower cost regulatory
532 alternative, the agency shall prepare a statement of estimated
533 regulatory costs as provided in subsection (2), or shall revise



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534 its prior statement of estimated regulatory costs, and either
535 adopt the alternative or provide a statement of the reasons for
536 rejecting the alternative in favor of the proposed rule. The
537 agency shall provide to the committee, within 7 days after its
538 receipt, a copy of any proposal for a lower cost regulatory
539 alternative, and within 7 days after its release, a copy of the
540 agency's response thereto. The agency may not file a rule for
541 adoption before such documents, if applicable, have been
542 provided to the committee.

543 (3) If the adverse impact or regulatory costs of the rule
544 exceed any of the criteria established in paragraph (2) (a), the
545 rule must ~~shall~~ be submitted to the President of the Senate and
546 Speaker of the House of Representatives no later than 30 days
547 before ~~prior to~~ the next regular legislative session, and the
548 rule may not take effect until it is ratified by the
549 Legislature. The agency shall notify the committee of its
550 submission of the rule to the Legislature for ratification
551 within 3 business days after submittal. If the proposed rule is
552 not ratified during the next regular legislative session, the
553 agency must withdraw the rule, and within 90 days after
554 adjournment sine die of that legislative session:

555 (a) May initiate rulemaking again by publishing the notice
556 required by s. 120.54(3) (a); or

557 (b) Must initiate rulemaking by publishing the notice
558 required by s. 120.54(3) (a), if the mandatory grant of
559 rulemaking authority the agency relied on as authority to
560 initiate the original rulemaking is still in effect at the time
561 of the original rule's withdrawal.

562 (4) Subsection (3) does not apply to the adoption of:



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563 (a) Federal standards pursuant to s. 120.54(6).

564 (b) Triennial updates of and amendments to the Florida
565 Building Code which are expressly authorized by s. 553.73.

566 (c) Triennial updates of and amendments to the Florida Fire
567 Prevention Code which are expressly authorized by s. 633.202.

568 Section 4. Section 120.5435, Florida Statutes, is created
569 to read:

570 120.5435 Agency review of rules.—

571 (1) By July 1, 2030, each agency, in coordination with the
572 committee, shall review all existing rules adopted by the agency
573 before July 1, 2025, in accordance with this section.

574 (2) Beginning October 1, 2025, each agency shall include a
575 list of its existing rules in its annual regulatory plan,
576 prepared and submitted pursuant to s. 120.74. The agency shall
577 include a schedule of the rules it will review each year during
578 the 5-year rule review period. The agency may amend its yearly
579 schedule in subsequent regulatory plans but must provide for the
580 completed review of at least 20 percent of the agency's rules
581 per year, until all of its subject rules have been reviewed.

582 (3) The agency rule review must determine whether each
583 rule:

584 (a) Is a valid exercise of delegated legislative authority;

585 (b) Has current statutory authority;

586 (c) Reiterates or paraphrases statutory material;

587 (d) Is in proper form;

588 (e) Is consistent with expressed legislative intent
589 pertaining to the specific provisions of law which the rule
590 implements;

591 (f) Requires a technical or substantive update to reflect



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592 current use; and

593 (g) Requires updated references to statutory citations and
594 incorporated materials.

595 (4) By January 1 of each year, the agency shall submit a
596 report to the President of the Senate and the Speaker of the
597 House of Representatives which summarizes the agency's intended
598 action on each rule under review during the current fiscal year.

599 (5) The agency shall take one of the following actions
600 during its rule review:

601 (a) Make no change to the rule. If the agency determines
602 that no change is necessary, the agency must file with the
603 committee by April 1 a copy of the reviewed rule, a written
604 statement of its intended action, and its assessment of factors
605 specified in subsection (3). This determination is not subject
606 to a challenge as a proposed rule pursuant to s. 120.56(2).

607 (b) Make a technical change to the rule. If the agency
608 determines that one or more technical changes are necessary, the
609 agency must file with the committee by April 1 a copy of the
610 reviewed rule and the recommended technical change or changes
611 coded by underlining new text and striking through deleted text,
612 a written statement of its intended action, its assessment of
613 the factors specified in subsection (3), and the facts and
614 circumstances justifying the technical change or changes to the
615 reviewed rule. This determination is not subject to a challenge
616 as a proposed rule pursuant to s. 120.56(2).

617 (c) Make a substantive change to the rule. If the agency
618 determines that the rule requires a substantive change, the
619 agency must make all changes, including any technical change, to
620 the rule in accordance with this chapter. The agency shall



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621 publish a notice of rule development in the Florida
622 Administrative Register by April 1. The agency shall also file
623 with the committee by April 1 a copy of the reviewed rule and
624 the recommended change or changes coded by underlining new text
625 and striking through deleted text, a written statement of its
626 intended action, and its assessment of factors specified in
627 subsection (3). This submission to the committee does not
628 constitute a notice of rule development as contemplated by s.
629 120.54(3) (a) and is not required to be in the same form as the
630 rule that will be proposed by the agency.

631 (d) Repeal the rule. If an agency determines that the rule
632 should be repealed, the agency must repeal the rule in
633 accordance with this chapter. The agency shall publish a notice
634 of proposed rule development in the Florida Administrative
635 Register by April 1. The agency shall also file with the
636 committee by April 1 a written statement of its intended action
637 and its assessment of factors specified in subsection (3). This
638 submission to the committee does not constitute a notice of rule
639 development as contemplated by s. 120.54(3) (a).

640 (6) The committee shall examine the agency's rule review
641 submission. The committee may request from an agency any
642 information that is reasonably necessary for examination of a
643 rule as required by subsection (1). If the agency recommends no
644 change or a technical change to a rule, the committee must
645 complete its examination within 90 calendar days after the
646 agency transmits the report required under subsection (4). Upon
647 completion of its examination, the committee must certify
648 whether the agency has responded in writing to all material and
649 timely written comments or inquiries made on behalf of the



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650 committee.

651 (7) The rule review is completed upon either:

652 (a) The agency, upon approval of the agency head or his or
653 her designee, electronically filing a certified copy of the
654 reviewed rule to which no changes or only technical changes were
655 made, and the committee's certification granted pursuant to
656 subsection (6), with the Department of State.

657 (b) The agency, for a reviewed rule subject to substantive
658 change or repeal, timely filing a proposed rule pursuant to s.
659 120.54.

660 (8) The Department of State shall publish in the Florida
661 Administrative Register a notice of the completed rule review
662 and shall update the history note of the rule in the Florida
663 Administrative Code to reflect the date of the rule review's
664 completion, if applicable.

665 (9) The hearing requirements of s. 120.54 do not apply to a
666 rule reviewed pursuant to this section.

667 (10) The Department of State shall adopt rules to implement
668 this section no later than December 31, 2025.

669 (11) This section is repealed July 1, 2032, unless reviewed
670 and saved from repeal through reenactment by the Legislature.

671 Section 5. Subsection (1) of section 120.55, Florida
672 Statutes, is amended to read:

673 120.55 Publication.—

674 (1) The Department of State shall:

675 (a)1. Through a continuous revision and publication system,
676 compile and publish electronically, on a website managed by the
677 department, the "Florida Administrative Code." The Florida
678 Administrative Code must ~~shall~~ contain all rules adopted by each



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679 agency, citing the grant of rulemaking authority and the
680 specific law implemented pursuant to which each rule was
681 adopted, all history notes as authorized in ss. 120.5435 and
682 120.545(7) ~~s. 120.545(7)~~, complete indexes to all rules and any
683 material incorporated by reference contained in the code, and
684 any other material required or authorized by law or deemed
685 useful by the department. The electronic code must ~~shall~~ display
686 each rule chapter currently in effect in browse mode and allow
687 full text search of the code and each rule chapter. The
688 department may contract with a publishing firm for a printed
689 publication; however, the department retains ~~shall retain~~
690 responsibility for the code as provided in this section. The
691 electronic publication is ~~shall be~~ the official compilation of
692 the administrative rules of this state. The Department of State
693 retains ~~shall retain~~ the copyright over the Florida
694 Administrative Code.

695 2. Rules general in form but applicable to only one school
696 district, community college district, or county, or a part
697 thereof, or state university rules relating to internal
698 personnel or business and finance may ~~shall~~ not be published in
699 the Florida Administrative Code. Exclusion from publication in
700 the Florida Administrative Code does ~~shall~~ not affect the
701 validity or effectiveness of such rules.

702 3. At the beginning of the section of the code dealing with
703 an agency that files copies of its rules with the department,
704 the department shall publish the address and telephone number of
705 the executive offices of each agency, the manner by which the
706 agency indexes its rules, a listing of all rules of that agency
707 excluded from publication in the code, a listing of all forms



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708 and material incorporated by reference adopted by rule which are
709 used by the agency, and a statement as to where those rules may
710 be inspected.

711 4. Forms may ~~shall~~ not be published in the Florida
712 Administrative Code; but any form which an agency uses in its
713 dealings with the public, along with any accompanying
714 instructions, must ~~shall~~ be filed with the committee before it
715 is used. Any form or instruction which meets the definition of
716 the term "rule" provided in s. 120.52 must ~~shall~~ be incorporated
717 by reference into the appropriate rule. The reference must ~~shall~~
718 specifically state that the form is being incorporated by
719 reference and ~~shall~~ include the number, title, and effective
720 date of the form and an explanation of how the form may be
721 obtained. Each form created by an agency which is incorporated
722 by reference in a rule notice of which is given under s.
723 120.54(3)(a) after December 31, 2007, must clearly display the
724 number, title, and effective date of the form and the number of
725 the rule in which the form is incorporated.

726 5. After December 31, 2025, the department shall require
727 any material incorporated by reference in ~~allow~~ adopted rules
728 ~~and material incorporated by reference~~ to be filed in electronic
729 form as prescribed by department rule. When a rule is filed for
730 adoption with incorporated material in electronic form, the
731 department's publication of the Florida Administrative Code on
732 its website must contain a hyperlink from the incorporating
733 reference in the rule directly to that material. The department
734 may not allow hyperlinks from rules in the Florida
735 Administrative Code to any material other than that filed with
736 and maintained by the department, but may allow hyperlinks to



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737 incorporated material maintained by the department from the
738 adopting agency's website or other sites.

739 6. The department shall include the date of any technical
740 changes in the history note of the rule in the Florida
741 Administrative Code. A technical change does not affect the
742 effective date of the rule. A technical change made after the
743 adoption of a rule must be published as a notice of correction.

744 (b) Electronically publish on a website managed by the
745 department a continuous revision and publication entitled the
746 "Florida Administrative Register," which serves ~~shall serve~~ as
747 the official publication and must contain:

748 1. All notices required by s. 120.54(2) and (3)(a), showing
749 the text of all rules proposed for consideration.

750 2. All notices of public meetings, hearings, and workshops
751 conducted in accordance with s. 120.525, including a statement
752 of the manner in which a copy of the agenda may be obtained.

753 3. A notice of each request for authorization to amend or
754 repeal an existing uniform rule or for the adoption of new
755 uniform rules.

756 4. Notice of petitions for declaratory statements or
757 administrative determinations.

758 5. A list of all rules that were not timely reviewed by
759 their respective agency, pursuant to s. 120.5435, updated at
760 least annually.

761 6. A summary of each objection to any rule filed by the
762 Administrative Procedures Committee.

763 ~~7.6.~~ A list of rules filed for adoption in the previous 7
764 days.

765 ~~8.7.~~ A list of all rules filed for adoption pending



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766 legislative ratification under s. 120.541(3). A rule shall be
767 removed from the list once notice of ratification or withdrawal
768 of the rule is received.

769 ~~9.8.~~ Any other material required or authorized by law or
770 deemed useful by the department.

771
772 The department may contract with a publishing firm for a printed
773 publication of the Florida Administrative Register and make
774 copies available on an annual subscription basis.

775 (c) Prescribe by rule the style and form required for
776 rules, notices, and other materials submitted for filing,
777 including any rule requiring that documents created by an agency
778 which are proposed to be incorporated by reference in notices
779 published pursuant to s. 120.54(3)(a) and (d) be coded as
780 required in s. 120.54(1)(i)7.

781 (d) Charge each agency using the Florida Administrative
782 Register a space rate to cover the costs related to the Florida
783 Administrative Register and the Florida Administrative Code.

784 (e) Maintain a permanent record of all notices published in
785 the Florida Administrative Register.

786 Section 6. Paragraph (c) of subsection (1) and subsections
787 (4) through (8) of section 120.74, Florida Statutes, are
788 amended, and paragraphs (e) and (f) are added to subsection (1)
789 of that section, to read:

790 120.74 Agency annual rulemaking and regulatory plans;
791 reports.—

792 (1) REGULATORY PLAN.—By October 1 of each year, each agency
793 shall prepare a regulatory plan.

794 (c) The plan must include any desired update to the prior



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795 year's regulatory plan or supplement published pursuant to
796 subsection (5) ~~(7)~~. If, in a prior year, a law was identified
797 under this paragraph or under subparagraph (a)1. as a law
798 requiring rulemaking to implement but a notice of proposed rule
799 has not been published:

800 1. The agency shall identify and again list such law,
801 noting the applicable notice of rule development by citation to
802 the Florida Administrative Register; or

803 2. If the agency has subsequently determined that
804 rulemaking is not necessary to implement the law, the agency
805 shall identify such law, reference the citation to the
806 applicable notice of rule development in the Florida
807 Administrative Register, and provide a concise written
808 explanation of the reason why the law may be implemented without
809 rulemaking.

810 (e) The plan must also include all of the following:

811 1. A list of the agency's existing rules scheduled for
812 review pursuant to s. 120.5435.

813 2. A 5-year schedule for the review of all existing rules
814 as of July 1, 2025.

815 3. A yearly schedule for the rules it will review each year
816 during the 5-year rule review. The agency may amend this
817 schedule, if necessary.

818 (f) The plan must include any desired update to the prior
819 year's regulatory plan or supplement thereof, published pursuant
820 to subsection (5). If, in a prior year, the agency identified a
821 rule under this paragraph as one requiring review pursuant to s.
822 120.5435, but the agency has not yet completed an action
823 described in s. 120.5435(5):



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824 1. The agency must identify and list such rule in its
825 regulatory plan as an untimely rule review and notify the
826 committee of such action; or

827 2. If the agency subsequently determined that the rule
828 review is not necessary, the agency must identify the rule and
829 provide a concise written explanation of the reason why the rule
830 does not require a rule review.

831 ~~(4) DEADLINE FOR RULE DEVELOPMENT.—By November 1 of each~~
832 ~~year, each agency shall publish a notice of rule development~~
833 ~~under s. 120.54(2) for each law identified in the agency's~~
834 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
835 ~~rulemaking is necessary to implement but for which the agency~~
836 ~~did not report the publication of a notice of rule development~~
837 ~~under subparagraph (1)(a)2.~~

838 ~~(5) CORRECTING THE REGULATORY PLAN DEADLINE TO PUBLISH~~
839 ~~PROPOSED RULE.—For each law for which implementing rulemaking is~~
840 ~~necessary as identified in the agency's plan pursuant to~~
841 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
842 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
843 ~~April 1 of the year following the deadline for the regulatory~~
844 ~~plan. This deadline may be extended if the agency publishes a~~
845 ~~notice of extension in the Florida Administrative Register~~
846 ~~identifying each rulemaking proceeding for which an extension is~~
847 ~~being noticed by citation to the applicable notice of rule~~
848 ~~development as published in the Florida Administrative Register.~~
849 ~~The agency shall include a concise statement in the notice of~~
850 ~~extension identifying any issues that are causing the delay in~~
851 ~~rulemaking. An extension shall expire on October 1 after the~~
852 ~~April 1 deadline, provided that the regulatory plan due on~~



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853 ~~October 1 may further extend the rulemaking proceeding by~~
854 ~~identification pursuant to subparagraph (1)(c)1. or conclude the~~
855 ~~rulemaking proceeding by identification pursuant to subparagraph~~
856 ~~(1)(c)2. A published regulatory plan may be corrected at any~~
857 ~~time to accomplish the purpose of extending or concluding an~~
858 ~~affected rulemaking proceeding by identifying the applicable~~
859 ~~rule pursuant to subparagraph (1)(c)2. The regulatory plan and~~
860 ~~is deemed corrected as of the October 1 due date. Upon~~
861 ~~publication of a correction, the agency shall publish in the~~
862 ~~Florida Administrative Register a notice of the date of the~~
863 ~~correction identifying the affected rulemaking proceeding by~~
864 ~~applicable citation to the Florida Administrative Register.~~

865 ~~(6) CERTIFICATIONS. Each agency shall file a certification~~
866 ~~with the committee upon compliance with subsection (4) and upon~~
867 ~~filing a notice under subsection (5) of either a deadline~~
868 ~~extension or a regulatory plan correction. A certification may~~
869 ~~relate to more than one notice or contemporaneous act. The date~~
870 ~~or dates of compliance shall be noted in each certification.~~

871 ~~(5)(7) SUPPLEMENTING THE REGULATORY PLAN.~~—After publication
872 of the regulatory plan, the agency shall supplement the plan
873 within 30 days after a bill becomes a law if the law is enacted
874 before the next regular session of the Legislature and the law
875 substantively modifies the agency's specifically delegated legal
876 duties, unless the law affects all or most state agencies as
877 identified by letter to the committee from the Governor or the
878 Attorney General. The supplement must include the information
879 required in paragraph (1)(a) and shall be published as required
880 in subsection (2), but no certification or delivery to the
881 committee is required. The agency shall publish in the Florida



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882 Administrative Register notice of publication of the supplement,
883 and include a hyperlink on its website or web address for direct
884 access to the published supplement. For each law reported in the
885 supplement, if rulemaking is necessary to implement the law, the
886 agency shall publish a notice of rule development ~~by the later~~
887 ~~of the date provided in subsection (4) or~~ 60 days after the bill
888 becomes a law, and a notice of proposed rule shall be published
889 ~~by the later of the date provided in subsection (5) or~~ 120 days
890 after the bill becomes a law. ~~The proposed rule deadline may be~~
891 ~~extended to the following October 1 by notice as provided in~~
892 ~~subsection (5).~~ If such proposed rule has not been filed by
893 October 1, a law included in a supplement shall also be included
894 in the next annual plan pursuant to subsection (1).

895 ~~(6)-(8)~~ FAILURE TO COMPLY.—If an agency fails to comply with
896 a requirement of paragraph (2) (a) ~~or subsection (5)~~, within 15
897 days after written demand from the committee or from the chair
898 of any other legislative committee, the agency shall deliver a
899 written explanation of the reasons for noncompliance to the
900 committee, the President of the Senate, the Speaker of the House
901 of Representatives, and the chair of any legislative committee
902 requesting the explanation of the reasons for noncompliance.

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

904
905 ===== T I T L E A M E N D M E N T =====

906 And the title is amended as follows:

907 Delete everything before the enacting clause
908 and insert:

909 A bill to be entitled

910 An act relating to administrative procedures; amending



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911 s. 120.52, F.S.; defining the term "technical change";
912 amending s. 120.54, F.S.; requiring agencies to
913 publish a certain notice of intended agency action
914 within a specified timeframe; deleting a provision
915 related to the timeframe within which rules are
916 required to be drafted and formally proposed;
917 prohibiting materials from being incorporated by
918 reference for certain rules reviewed after a specified
919 date unless certain conditions are met; prohibiting
920 rules proposed after a specified date from having
921 materials incorporated by reference unless certain
922 conditions are met; requiring agencies to use specific
923 coding if they are updating or making changes to
924 certain documents incorporated by reference; requiring
925 that certain notices of rule development include
926 incorporated documents; revising the notices required
927 to be issued by agencies before the adoption,
928 amendment, or repeal of certain rules; requiring that
929 such notices be published in the Florida
930 Administrative Register within a specified timeframe;
931 requiring that specified information be available for
932 public inspection; requiring that materials
933 incorporated by reference be made available in a
934 specified manner; requiring that certain notices be
935 delivered electronically to all persons who made
936 requests for such notice; requiring agencies to
937 publish a notice of correction for certain changes
938 within a specified timeframe; providing that notices
939 of correction do not affect certain timeframes;



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940 requiring that technical changes be published as
941 notices of correction; requiring agencies to provide
942 copies of any offered regulatory alternatives to the
943 Administrative Procedures Committee before the agency
944 files a rule for adoption; requiring that certain
945 materials incorporated by reference be made available
946 in a specified manner; requiring that certain rules be
947 withdrawn if not ratified within the legislative
948 session immediately following the filing for adoption;
949 providing that agencies are authorized to initiate
950 rulemaking, or required to initiate rulemaking under a
951 specified circumstance, within a specified timeframe
952 of the adjournment of such legislative session;
953 reducing the number of certified copies of a proposed
954 rule that must be electronically filed with the
955 Department of State; authorizing agencies to adopt
956 emergency rules under specified conditions; requiring
957 that specified information be published in the first
958 available issue of the Florida Administrative Register
959 and provided to the Administrative Procedures
960 Committee; providing that if a proposed rule is not
961 ratified within a specified timeframe, the emergency
962 rule expires; requiring that the proposed rule be
963 withdrawn in accordance with a specified provision;
964 requiring that notices of renewal for emergency rules
965 be published in the Florida Administrative Register
966 before expiration of the existing emergency rule;
967 requiring that such notices contain specified
968 information; requiring that a note be added to a



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969 certain history note for certain emergency rules;
970 requiring that emergency rules be published in the
971 Florida Administrative Code; authorizing agencies to
972 adopt emergency rules that supersede other emergency
973 rules; requiring that the reason for such superseding
974 rules be stated in accordance with specified
975 provisions; authorizing agencies to make technical
976 changes to emergency rules within a specified
977 timeframe; requiring that such changes be published in
978 the Florida Administrative Register as a notice of
979 correction; authorizing agencies to repeal emergency
980 rules by providing a certain notice in the Florida
981 Administrative Register; requiring agencies to provide
982 specified petitions to the committee within a
983 specified timeframe after receipt; requiring agencies
984 to provide a certain notification to the committee
985 within a specified timeframe; reenacting and amending
986 s. 120.541, F.S.; providing that a proposal for a
987 lower cost regulatory alternative submitted after a
988 notice of change is made in good faith only if the
989 proposal contains certain statements; requiring
990 agencies to provide a copy of such proposals and
991 responses thereto to the committee within specified
992 timeframes; prohibiting agencies from filing a rule
993 for adoption unless such documents are provided to the
994 committee; requiring agencies to notify the committee
995 within a specified timeframe that a rule has been
996 submitted for legislative ratification; providing that
997 if a proposed rule is not ratified within a specified



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998 timeframe, the agency must withdraw such rule and the
999 agency may initiate rulemaking again, or must initiate
1000 rulemaking again under a specified condition; creating
1001 s. 120.5435, F.S.; requiring agencies, by a specified
1002 date and in coordination with the committee, to review
1003 specified rules adopted before a specified date;
1004 requiring agencies to include a list of existing rules
1005 and a schedule of rules they plan to review each year
1006 in a certain regulatory plan; authorizing agencies to
1007 amend such schedules under specified circumstances but
1008 requiring that at least a specified percentage of an
1009 agency's rules be reviewed each year until completion
1010 of all reviews; requiring agencies to make specified
1011 determinations during rule review; providing that
1012 certain determinations are not subject to challenge as
1013 a proposed rule; requiring agencies to submit a
1014 certain report to the Legislature annually by a
1015 specified date; requiring agencies to take one of
1016 certain specified actions during rule reviews by a
1017 specified date; providing requirements for the
1018 agencies in connection with each of the specified
1019 actions; requiring the committee to examine agencies'
1020 rule review submissions; authorizing the committee to
1021 request certain information from such agencies;
1022 requiring that such review occur within a specified
1023 timeframe under specified conditions; requiring the
1024 committee to issue a certain certification upon
1025 completion of examinations; specifying circumstances
1026 under which rule review is considered completed;



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1027 requiring the department to publish a certain notice
1028 in the Florida Administrative Register; requiring the
1029 department to adopt rules before a specified date;
1030 providing for future review and repeal; amending s.
1031 120.55, F.S.; revising the contents of the Florida
1032 Administrative Code to conform to changes made by the
1033 act; requiring, after a specified date, that any
1034 material incorporated by reference be filed in a
1035 specified electronic format with the department;
1036 requiring that the Florida Administrative Register
1037 contain a certain list; requiring that the department
1038 prescribe coding for certain documents incorporated by
1039 reference; amending s. 120.74, F.S.; requiring that
1040 regulatory plans submitted by agencies include certain
1041 schedules for rule review and certain desired updates
1042 to such plans; requiring agencies to take certain
1043 actions if the agencies have not completed reviewing a
1044 rule; deleting provisions related to deadlines for
1045 rule development; deleting deadlines for publishing
1046 proposed rules; deleting provisions requiring agencies
1047 to file certain certifications with the committee;
1048 authorizing agencies to correct a regulatory plan to
1049 conclude affected rulemaking proceedings by
1050 identifying certain rules; revising the timeframes
1051 within which agencies must publish certain notices;
1052 conforming provisions to changes made by the act;
1053 providing an effective date.

By Senator Grall

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1 A bill to be entitled
 2 An act relating to administrative procedures; amending
 3 s. 120.52, F.S.; defining the term "technical change";
 4 amending s. 120.54, F.S.; requiring agencies to
 5 publish a certain notice of proposed rule within a
 6 specified timeframe; deleting a provision related to
 7 the timeframe within which rules are required to be
 8 drafted and formally proposed; prohibiting materials
 9 from being incorporated by reference for certain rules
 10 reviewed after a specified date unless certain
 11 conditions are met; prohibiting rules proposed after a
 12 specified date from having materials incorporated by
 13 reference unless certain conditions are met; requiring
 14 agencies to use specific coding if they are updating
 15 or making changes to certain documents incorporated by
 16 reference; requiring that certain notices of rule
 17 development include incorporated documents; revising
 18 the notices required to be issued by agencies before
 19 the adoption, amendment, or repeal of certain rules;
 20 requiring that such notices be published in the
 21 Florida Administrative Register within a specified
 22 timeframe; requiring that specified information be
 23 available for public inspection; requiring that
 24 materials incorporated by reference be made available
 25 in a specified manner; requiring that certain notices
 26 be delivered electronically to all persons who made
 27 requests for such notice; requiring agencies to
 28 publish a notice of correction for certain changes;
 29 providing that notices of correction do not affect

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30 certain timeframes; requiring that technical changes
 31 be published as notices of correction; requiring
 32 agencies to provide copies of any offered regulatory
 33 alternatives to the Administrative Procedures
 34 Committee before the agency files a rule for adoption;
 35 requiring that certain materials incorporated by
 36 reference be made available in a specified manner;
 37 requiring that certain rules be withdrawn if not
 38 ratified within the legislative session immediately
 39 following the filing for adoption; requiring the
 40 agency to reinstate rulemaking within a specified
 41 timeframe of the adjournment of such legislative
 42 session; reducing the number of certified copies of a
 43 proposed rule that must be electronically filed with
 44 the Department of State; authorizing agencies to adopt
 45 emergency rules under specified conditions; requiring
 46 that specified information be published in the first
 47 available issue of the Florida Administrative Register
 48 and provided to the Administrative Procedures
 49 Committee; requiring that notices of renewal for
 50 emergency rules be published in the Florida
 51 Administrative Register before expiration of the
 52 existing emergency rule; requiring that such notices
 53 contain specified information; requiring that a note
 54 be added to a certain history note for certain
 55 emergency rules; requiring that emergency rules be
 56 published in the Florida Administrative Code;
 57 authorizing agencies to adopt emergency rules that
 58 supersede other emergency rules; requiring that the

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59 reason for such superseding rules be stated in
 60 accordance with specified provisions; authorizing
 61 agencies to make technical changes to emergency rules
 62 within a specified timeframe; requiring that such
 63 changes be published in the Florida Administrative
 64 Register as a notice of correction; authorizing
 65 agencies to repeal emergency rules by providing a
 66 certain notice in the Florida Administrative Register;
 67 requiring agencies to provide specified petitions to
 68 the committee within a specified timeframe after
 69 receipt; requiring agencies to provide a certain
 70 notification to the committee within a specified
 71 timeframe; reenacting and amending s. 120.541, F.S.;
 72 providing that a proposal for a lower cost regulatory
 73 alternative submitted after a notice of change is made
 74 in good faith only if the proposal contains certain
 75 statements; requiring agencies to provide a copy of
 76 such proposals and responses thereto to the committee
 77 within specified timeframes; prohibiting agencies from
 78 filing a rule for adoption unless such proposals are
 79 provided to the committee; requiring agencies to
 80 notify the committee within a specified timeframe that
 81 a rule has been submitted for legislative
 82 ratification; creating s. 120.5435, F.S.; requiring
 83 agencies, by a specified date and in coordination with
 84 the committee, to review specified rules adopted
 85 before a specified date; requiring agencies to include
 86 a list of existing rules and a schedule of rules they
 87 plan to review each year in a certain regulatory plan;

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88 authorizing agencies to amend such schedules under
 89 specified circumstances but requiring that at least a
 90 specified percentage of an agency's rules be reviewed
 91 each year until completion of all reviews; requiring
 92 agencies to make specified determinations during rule
 93 review; requiring agencies to submit a certain report
 94 to the Legislature annually by a specified date;
 95 requiring agencies to take one of certain specified
 96 actions during rule reviews by a specified date;
 97 providing requirements for the agencies in connection
 98 with each of the specified actions; requiring the
 99 committee to examine agencies' rule review
 100 submissions; authorizing the committee to request
 101 certain information from such agencies; requiring that
 102 such review occur within a specified timeframe under
 103 specified conditions; requiring the committee to issue
 104 a certain certification upon completion of
 105 examinations; specifying circumstances under which
 106 rule review is considered completed; requiring the
 107 department to publish a certain notice in the Florida
 108 Administrative Register; providing construction;
 109 providing applicability; requiring the department to
 110 adopt rules before a specified date; providing for
 111 future review and repeal; amending s. 120.55, F.S.;
 112 revising the contents of the Florida Administrative
 113 Code to conform to changes made by the act; requiring,
 114 after a specified date, that any material incorporated
 115 by reference be filed in a specified electronic format
 116 with the department; requiring that the Florida

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117 Administrative Register contain a certain list;
 118 requiring that the department prescribe coding for
 119 certain documents incorporated by reference; amending
 120 s. 120.74, F.S.; requiring that regulatory plans
 121 submitted by agencies include certain schedules for
 122 rule review and certain desired updates to such plans;
 123 requiring agencies to take certain actions if the
 124 agencies have not completed reviewing a rule; deleting
 125 provisions related to deadlines for rule development;
 126 deleting deadlines for publishing proposed rules;
 127 deleting provisions requiring agencies to file certain
 128 certifications with the committee; authorizing
 129 agencies to correct a regulatory plan to conclude
 130 affected rulemaking proceedings by identifying certain
 131 rules; revising the timeframes within which agencies
 132 must publish certain notices; conforming provisions to
 133 changes made by the act; providing an effective date.
 134

135 Be It Enacted by the Legislature of the State of Florida:
 136

137 Section 1. Present subsections (20), (21), and (22) of
 138 section 120.52, Florida Statutes, are redesignated as
 139 subsections (21), (22), and (23), respectively, and a new
 140 subsection (20) is added to that section, to read:

141 120.52 Definitions.—As used in this act:

142 (20) "Technical change" means a change limited to
 143 correcting citations or grammatical, typographical, or similar
 144 errors that do not affect the substance of the rule.
 145

Section 2. Paragraphs (b) and (i) of subsection (1),

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146 paragraph (a) of subsection (2), paragraphs (a), (b), (d), and
 147 (e) of subsection (3), subsection (4), and paragraph (a) of
 148 subsection (7) of section 120.54, Florida Statutes, are amended
 149 to read:

150 120.54 Rulemaking.—

151 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
 152 EMERGENCY RULES.—

153 (b) Whenever an act of the Legislature is enacted which
 154 requires implementation of the act by rules of an agency, the
 155 agency must publish a notice of proposed rule within the
 156 executive branch of state government, such rules shall be
 157 drafted and formally proposed as provided in this section within
 158 90 days after the effective date of the act granting rulemaking
 159 authority within the times provided in s. 120.74(4) and (5).

160 (i)1. A rule may incorporate material by reference but only
 161 as the material exists on the date the rule is adopted. For
 162 purposes of the rule, changes in the material are not effective
 163 unless the rule is amended to incorporate the changes.

164 2. An agency rule that incorporates by specific reference
 165 another rule of that agency automatically incorporates
 166 subsequent amendments to the referenced rule unless a contrary
 167 intent is clearly indicated in the referencing rule. A notice of
 168 amendments to a rule that has been incorporated by specific
 169 reference in other rules of that agency must explain the effect
 170 of those amendments on the referencing rules.

171 3. In rules adopted after December 31, 2010, or reviewed
 172 pursuant to s. 120.5435, material may not be incorporated by
 173 reference unless:

174 a. The material has been submitted in the prescribed

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175 electronic format to the Department of State and the full text
 176 of the material can be made available for free public access
 177 through an electronic hyperlink from the rule making the
 178 reference in the Florida Administrative Code; or

179 b. The agency has determined that posting the material on
 180 the Internet for purposes of public examination and inspection
 181 would constitute a violation of federal copyright law, in which
 182 case a statement to that effect, along with the address of
 183 locations at the Department of State and the agency at which the
 184 material is available for public inspection and examination,
 185 must be included in the notice required by subparagraph (3)(a)1.

186 4. In rules proposed after July 1, 2025, material may not
 187 be incorporated by reference unless:

188 a. The material has been submitted in the prescribed
 189 electronic format to the Department of State and the full text
 190 of the material can be made available for free public access
 191 through an electronic hyperlink from the rule making the
 192 reference in the Florida Administrative Register; or

193 b. The agency has determined that posting the material on
 194 the Internet for purposes of public examination and inspection
 195 would constitute a violation of federal copyright law, in which
 196 case a statement to that effect, along with the address of
 197 locations at the Department of State and the agency at which the
 198 material is available for public inspection and examination,
 199 must be included in the notice required by subparagraph (3)(a)1.

200 5. A rule may not be amended by reference only. Amendments
 201 must set out the amended rule in full in the same manner as
 202 required by the State Constitution for laws.

203 ~~6.5-~~ Notwithstanding any contrary provision in this

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204 section, when an adopted rule of the Department of Environmental
 205 Protection or a water management district is incorporated by
 206 reference in the other agency's rule to implement a provision of
 207 part IV of chapter 373, subsequent amendments to the rule are
 208 not effective as to the incorporating rule unless the agency
 209 incorporating by reference notifies the committee and the
 210 Department of State of its intent to adopt the subsequent
 211 amendment, publishes notice of such intent in the Florida
 212 Administrative Register, and files with the Department of State
 213 a copy of the amended rule incorporated by reference. Changes in
 214 the rule incorporated by reference are effective as to the other
 215 agency 20 days after the date of the published notice and filing
 216 with the Department of State. The Department of State shall
 217 amend the history note of the incorporating rule to show the
 218 effective date of such change. Any substantially affected person
 219 may, within 14 days after the date of publication of the notice
 220 of intent in the Florida Administrative Register, file an
 221 objection to rulemaking with the agency. The objection must
 222 ~~shall~~ specify the portions of the rule incorporated by reference
 223 to which the person objects and the reasons for the objection.
 224 The agency does ~~shall~~ not have the authority under this
 225 subparagraph to adopt those portions of the rule specified in
 226 such objection. The agency shall publish notice of the objection
 227 and of its action in response in the next available issue of the
 228 Florida Administrative Register.

229 7. If an agency updates or makes a change to a document the
 230 agency created and which is incorporated by reference pursuant
 231 to paragraph (3)(a) or subparagraph (3)(e)1., the update or
 232 change must be coded by underlining new text and striking

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233 ~~through deleted text.~~

234 ~~8.6-~~ The Department of State may adopt by rule requirements
 235 for incorporating materials pursuant to this paragraph.

236 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.-

237 (a) Except when the intended action is the repeal of a
 238 rule, agencies shall provide notice of the development of
 239 proposed rules by publication of a notice of rule development in
 240 the Florida Administrative Register before providing notice of a
 241 proposed rule as required by paragraph (3) (a). The notice of
 242 rule development ~~must shall~~ indicate the subject area to be
 243 addressed by rule development, provide a short, plain
 244 explanation of the purpose and effect of the proposed rule, cite
 245 the specific legal authority for the proposed rule, and include
 246 the preliminary text of the proposed rules and incorporated
 247 documents, if available, or a statement of how a person may
 248 promptly obtain, without cost, a copy of any preliminary draft,
 249 if available.

250 (3) ADOPTION PROCEDURES.-

251 (a) *Notices*.-

252 1. ~~Before~~ Prior to the adoption, amendment, or repeal of
 253 any rule other than an emergency rule, an agency shall, upon
 254 approval of the agency head, ~~shall~~ give notice of its intended
 255 action, setting forth a short, plain explanation of the purpose
 256 and effect of the proposed action; the rule number; the full
 257 text of the proposed rule or amendment and a summary thereof; a
 258 reference to the grant of rulemaking authority pursuant to which
 259 the rule is adopted; ~~and~~ a reference to the section or
 260 subsection of the Florida Statutes or the Laws of Florida being
 261 implemented or interpreted; and the name, e-mail address, and

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262 telephone number of the agency employee who may be contacted
 263 regarding the intended action. The notice must include a summary
 264 of the agency's statement of the estimated regulatory costs, if
 265 one has been prepared, based on the factors set forth in s.
 266 120.541(2); a statement that any person who wishes to provide
 267 the agency with information regarding the statement of estimated
 268 regulatory costs, or to provide a proposal for a lower cost
 269 regulatory alternative as provided by s. 120.541(1), must do so
 270 in writing within 21 days after publication of the notice; and a
 271 statement as to whether, based on the statement of the estimated
 272 regulatory costs or other information expressly relied upon and
 273 described by the agency if no statement of regulatory costs is
 274 required, the proposed rule is expected to require legislative
 275 ratification pursuant to s. 120.541(3). The notice must state
 276 the procedure for requesting a public hearing on the proposed
 277 rule. Except when the intended action is the repeal of a rule,
 278 the notice must include a reference both to the date on which
 279 and to the place where the notice of rule development that is
 280 required by subsection (2) appeared.

281 2. The notice ~~must shall~~ be published in the Florida
 282 Administrative Register at least 7 days after the notice of rule
 283 development and at least not less than 28 days before prior to
 284 the intended action. The proposed rule, including all material
 285 proposed to be incorporated by reference, ~~must shall~~ be
 286 available for inspection and copying by the public at the time
 287 of the publication of notice. Material proposed to be
 288 incorporated by reference in the notice required by this
 289 paragraph must be made available in the manner prescribed by
 290 sub-subparagraph (1) (i)3.a. or sub-subparagraph (1) (i)3.b.

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291 3. The notice ~~must shall~~ be mailed or delivered
 292 electronically to all persons named in the proposed rule and to
 293 all persons who have made, at least 14 days ~~before prior to~~ such
 294 mailing or delivery, ~~have made~~ requests of the agency for
 295 advance notice of its proceedings. The agency shall also give
 296 such notice as is prescribed by rule to those particular classes
 297 of persons to whom the intended action is directed.

298 4. The adopting agency shall file with the committee, at
 299 least 21 days ~~before prior to~~ the proposed adoption date, a copy
 300 of each rule it proposes to adopt; a copy of any material
 301 incorporated by reference in the rule; a detailed written
 302 statement of the facts and circumstances justifying the proposed
 303 rule; a copy of any statement of estimated regulatory costs that
 304 has been prepared pursuant to s. 120.541; a statement of the
 305 extent to which the proposed rule relates to federal standards
 306 or rules on the same subject; and the notice required by
 307 subparagraph 1.

308 5. If any of the information, other than substantive
 309 changes to the rule text, which is required to be included in
 310 the notice under subparagraph 1. is omitted or is incorrect, the
 311 agency must publish a notice of correction in the Florida
 312 Administrative Register. A notice of correction does not affect
 313 the timeframes for filing the rule for adoption as set forth in
 314 paragraph (e). Technical changes must be published as a notice
 315 of correction.

316 (b) *Special matters to be considered in rule adoption.*—

317 1. Statement of estimated regulatory costs.—Before the
 318 adoption, amendment, or repeal of any rule other than an
 319 emergency rule, an agency is encouraged to prepare a statement

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320 of estimated regulatory costs of the proposed rule, as provided
 321 by s. 120.541. However, an agency must prepare a statement of
 322 estimated regulatory costs of the proposed rule, as provided by
 323 s. 120.541, if:

324 a. The proposed rule will have an adverse impact on small
 325 business; or

326 b. The proposed rule is likely to directly or indirectly
 327 increase regulatory costs in excess of \$200,000 in the aggregate
 328 in this state within 1 year after the implementation of the
 329 rule.

330 2. Small businesses, small counties, and small cities.—

331 a. Each agency, before the adoption, amendment, or repeal
 332 of a rule, shall consider the impact of the rule on small
 333 businesses as defined by s. 288.703 and the impact of the rule
 334 on small counties or small cities as defined by s. 120.52.
 335 Whenever practicable, an agency shall tier its rules to reduce
 336 disproportionate impacts on small businesses, small counties, or
 337 small cities to avoid regulating small businesses, small
 338 counties, or small cities that do not contribute significantly
 339 to the problem the rule is designed to address. An agency may
 340 define "small business" to include businesses employing more
 341 than 200 persons, may define "small county" to include those
 342 with populations of more than 75,000, and may define "small
 343 city" to include those with populations of more than 10,000, if
 344 it finds that such a definition is necessary to adapt a rule to
 345 the needs and problems of small businesses, small counties, or
 346 small cities. The agency shall consider each of the following
 347 methods for reducing the impact of the proposed rule on small
 348 businesses, small counties, and small cities, or any combination

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349 of these entities:

- 350 (I) Establishing less stringent compliance or reporting
351 requirements in the rule.
- 352 (II) Establishing less stringent schedules or deadlines in
353 the rule for compliance or reporting requirements.
- 354 (III) Consolidating or simplifying the rule's compliance or
355 reporting requirements.
- 356 (IV) Establishing performance standards or best management
357 practices to replace design or operational standards in the
358 rule.
- 359 (V) Exempting small businesses, small counties, or small
360 cities from any or all requirements of the rule.
- 361 b.(I) If the agency determines that the proposed action
362 will affect small businesses as defined by the agency as
363 provided in sub-subparagraph a., the agency must ~~shall~~ send
364 written notice of the rule to the rules ombudsman in the
365 Executive Office of the Governor at least 28 days before the
366 intended action.
- 367 (II) Each agency shall adopt those regulatory alternatives
368 offered by the rules ombudsman in the Executive Office of the
369 Governor and provided to the agency no later than 21 days after
370 the rules ombudsman's receipt of the written notice of the rule
371 which it finds are feasible and consistent with the stated
372 objectives of the proposed rule and which would reduce the
373 impact on small businesses. When regulatory alternatives are
374 offered by the rules ombudsman in the Executive Office of the
375 Governor, the 90-day period for filing the rule in subparagraph
376 (e)2. is extended for a period of 21 days. An agency shall
377 provide the committee a copy of any regulatory alternative

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- 378 offered to the agency within 7 days after its delivery to the
379 agency. The agency may not file a rule for adoption before such
380 regulatory alternative, if applicable, has been provided to the
381 committee.
- 382 (III) If an agency does not adopt all alternatives offered
383 pursuant to this sub-subparagraph, it ~~must shall~~, before rule
384 adoption or amendment and pursuant to subparagraph (d)1., file a
385 detailed written statement with the committee explaining the
386 reasons for failure to adopt such alternatives. Within 3 working
387 days after the filing of such notice, the agency shall send a
388 copy of such notice to the rules ombudsman in the Executive
389 Office of the Governor.
- 390 (d) *Modification or withdrawal of proposed rules.-*
- 391 1. After the final public hearing on the proposed rule, or
392 after the time for requesting a hearing has expired, if the rule
393 has not been changed from the rule as previously filed with the
394 committee, ~~or contains only technical changes,~~ the adopting
395 agency must ~~shall~~ file a notice to that effect with the
396 committee at least 7 days prior to filing the rule for adoption.
397 Any change, other than a technical change that does not affect
398 the substance of the rule, must be supported by the record of
399 public hearings held on the rule, must be in response to written
400 material submitted to the agency within 21 days after the date
401 of publication of the notice of intended agency action or
402 submitted to the agency between the date of publication of the
403 notice and the end of the final public hearing, or must be in
404 response to a proposed objection by the committee. In addition,
405 when any change is made in a proposed rule, other than a
406 technical change, the adopting agency shall provide a copy of a

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407 notice of change by certified mail or actual delivery to any
 408 person who requests it in writing no later than 21 days after
 409 the notice required in paragraph (a). The agency shall file the
 410 notice of change with the committee, along with the reasons for
 411 the change, and provide the notice of change to persons
 412 requesting it, at least 21 days ~~before~~ prior to filing the rule
 413 for adoption. The notice of change ~~must~~ shall be published in
 414 the Florida Administrative Register at least 21 days before
 415 ~~prior to~~ filing the rule for adoption. This subparagraph does
 416 not apply to emergency rules adopted pursuant to subsection (4).
 417 Material proposed to be incorporated by reference in the notice
 418 required by this subparagraph must be made available in the
 419 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
 420 subparagraph (1)(i)3.b.

421 2. After the notice required by paragraph (a) and before
 422 ~~prior to~~ adoption, the agency may withdraw the rule in whole or
 423 in part.

424 3. After adoption and before the rule becomes effective, a
 425 rule may be modified or withdrawn only in the following
 426 circumstances:

427 a. When the committee objects to the rule;

428 b. When a final order, which is not subject to further
 429 appeal, is entered in a rule challenge brought pursuant to s.
 430 120.56 after the date of adoption but before the rule becomes
 431 effective pursuant to subparagraph (e)6.;

432 c. If the rule requires ratification, when ~~more than 90~~
 433 ~~days have passed since the rule was filed for adoption without~~
 434 the Legislature does not ratify ~~ratifying~~ the rule by the
 435 adjournment sine die of the regular session immediately

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436 following the filing for adoption of the rule, in which case the
 437 rule ~~must~~ may be withdrawn and the agency must initiate
 438 rulemaking in accordance with this section within 90 days of
 439 adjournment sine die ~~but may not be modified~~; or

440 d. When the committee notifies the agency that an objection
 441 to the rule is being considered, in which case the rule may be
 442 modified to extend the effective date by not more than 60 days.

443 4. The agency shall give notice of its decision to withdraw
 444 or modify a rule in the first available issue of the publication
 445 in which the original notice of rulemaking was published, shall
 446 notify those persons described in subparagraph (a)3. in
 447 accordance with the requirements of that subparagraph, and must
 448 ~~shall~~ notify the Department of State if the rule is required to
 449 be filed with the Department of State.

450 5. After a rule has become effective, it may be repealed or
 451 amended only through the rulemaking procedures specified in this
 452 chapter.

453 (e) *Filing for final adoption; effective date.*—

454 1. If the adopting agency is required to publish its rules
 455 in the Florida Administrative Code, the agency, upon approval of
 456 the agency head, must electronically ~~shall~~ file with the
 457 Department of State a three ~~certified copy~~ ~~copies~~ of the rule it
 458 proposes to adopt; one copy of any material incorporated by
 459 reference in the rule, certified by the agency; a summary of the
 460 rule; a summary of any hearings held on the rule; and a detailed
 461 written statement of the facts and circumstances justifying the
 462 rule. Agencies not required to publish their rules in the
 463 Florida Administrative Code shall file one certified copy of the
 464 proposed rule, and the other material required by this

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465 subparagraph, in the office of the agency head, and such rules
466 must ~~shall~~ be open to the public.

467 2. A rule may not be filed for adoption less than 28 days
468 or more than 90 days after the notice required by paragraph (a),
469 until 21 days after the notice of change required by paragraph
470 (d), until 14 days after the final public hearing, until 21 days
471 after a statement of estimated regulatory costs required under
472 s. 120.541 has been provided to all persons who submitted a
473 lower cost regulatory alternative and made available to the
474 public, or until the administrative law judge has rendered a
475 decision under s. 120.56(2), whichever applies. When a required
476 notice of change is published before ~~prior to~~ the expiration of
477 the time to file the rule for adoption, the period during which
478 a rule must be filed for adoption is extended to 45 days after
479 the date of publication. If notice of a public hearing is
480 published before ~~prior to~~ the expiration of the time to file the
481 rule for adoption, the period during which a rule must be filed
482 for adoption is extended to 45 days after adjournment of the
483 final hearing on the rule, 21 days after receipt of all material
484 authorized to be submitted at the hearing, or 21 days after
485 receipt of the transcript, if one is made, whichever is latest.
486 The term "public hearing" includes any public meeting held by
487 any agency at which the rule is considered. If a petition for an
488 administrative determination under s. 120.56(2) is filed, the
489 period during which a rule must be filed for adoption is
490 extended to 60 days after the administrative law judge files the
491 final order with the clerk or until 60 days after subsequent
492 judicial review is complete.

493 3. At the time a rule is filed, the agency shall certify

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494 that the time limitations prescribed by this paragraph have been
495 complied with, that all statutory rulemaking requirements have
496 been met, and that there is no administrative determination
497 pending on the rule.

498 4. At the time a rule is filed, the committee shall certify
499 whether the agency has responded in writing to all material and
500 timely written comments or written inquiries made on behalf of
501 the committee. The department shall reject any rule that is not
502 filed within the prescribed time limits; that does not comply
503 with all statutory rulemaking requirements and rules of the
504 department; upon which an agency has not responded in writing to
505 all material and timely written inquiries or written comments;
506 upon which an administrative determination is pending; or which
507 does not include a statement of estimated regulatory costs, if
508 required.

509 5. If a rule has not been adopted within the time limits
510 imposed by this paragraph or has not been adopted in compliance
511 with all statutory rulemaking requirements, the agency proposing
512 the rule must ~~shall~~ withdraw the rule and give notice of its
513 action in the next available issue of the Florida Administrative
514 Register.

515 6. The proposed rule ~~is shall be~~ adopted upon ~~on~~ being
516 filed with the Department of State and becomes ~~become~~ effective
517 20 days after being filed, on a later date specified in the
518 notice required by subparagraph (a)1., on a date required by
519 statute, or upon ratification by the Legislature pursuant to s.
520 120.541(3). Rules not required to be filed with the Department
521 of State ~~shall~~ become effective when adopted by the agency head,
522 on a later date specified by rule or statute, or upon

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 523 ratification by the Legislature pursuant to s. 120.541(3). If
 524 the committee notifies an agency that an objection to a rule is
 525 being considered, the agency may postpone the adoption of the
 526 rule to accommodate review of the rule by the committee. When an
 527 agency postpones adoption of a rule to accommodate review by the
 528 committee, the 90-day period for filing the rule is tolled until
 529 the committee notifies the agency that it has completed its
 530 review of the rule.

531
 532 For the purposes of this paragraph, the term "administrative
 533 determination" does not include subsequent judicial review.

534 (4) EMERGENCY RULES.—

535 (a) If an agency finds that an immediate danger to the
 536 public health, safety, or welfare requires emergency action, or
 537 if the Legislature authorizes the agency to adopt emergency
 538 rules and finds that all conditions specified in this paragraph
 539 are met, the agency may, within the authority granted to the
 540 agency under the State Constitution or delegated to it by the
 541 Legislature, adopt any rule necessitated by the immediate danger
 542 or legislative finding. The agency may adopt a rule by any
 543 procedure which is fair under the circumstances if:

544 1. The procedure provides at least the procedural
 545 protection given by other statutes, the State Constitution, or
 546 the United States Constitution.

547 2. The agency takes only that action necessary to protect
 548 the public interest under the emergency procedure.

549 3. The agency publishes in writing at the time of, or prior
 550 to, its action the specific facts and reasons for finding an
 551 immediate danger to the public health, safety, or welfare and

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 552 its reasons for concluding that the procedure used is fair under
 553 the circumstances. In any event, notice of emergency rules,
 554 other than those of educational units or units of government
 555 with jurisdiction in only one or a part of one county, including
 556 the full text of the rules and the agency's findings of
 557 immediate danger, necessity, and procedural fairness or a
 558 citation to the grant of emergency rulemaking authority, must,
 559 ~~shall~~ be published in the first available issue of the Florida
 560 Administrative Register and provided to the committee along with
 561 any material incorporated by reference in the rules. The
 562 agency's findings of immediate danger, necessity, and procedural
 563 fairness are ~~shall be~~ judicially reviewable.

564 (b) Rules pertaining to the public health, safety, or
 565 welfare must ~~shall~~ include rules pertaining to perishable
 566 agricultural commodities or rules pertaining to the
 567 interpretation and implementation of the requirements of
 568 chapters 97-102 and chapter 105 of the Election Code.

569 (c) 1. An emergency rule adopted under this subsection may
 570 ~~shall~~ not be effective for a period longer than 90 days and may
 571 ~~shall~~ not be renewable, except when the agency has initiated
 572 rulemaking to adopt rules addressing the subject of the
 573 emergency rule and either:

574 ~~a.1.~~ A challenge to the proposed rules has been filed and
 575 remains pending; or

576 ~~b.2.~~ The proposed rules are awaiting ratification by the
 577 Legislature pursuant to s. 120.541(3).

578 2. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~
 579 the agency from adopting a rule or rules identical to the
 580 emergency rule through the rulemaking procedures specified in

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581 subsection (3).

582 (d) Notice of the renewal of an emergency rule must be
583 published in the Florida Administrative Register before the
584 expiration of the existing emergency rule. The notice of renewal
585 must state the specific facts and reasons for such renewal.

586 (e) For emergency rules with an effective period greater
587 than 90 days which are intended to replace existing rules, a
588 note must be added to the history note of the existing rule
589 which specifically identifies the emergency rule that is
590 intended to supersede the existing rule and includes the date
591 that the emergency rule was filed with the Department of State.

592 (f) Emergency rules must be published in the Florida
593 Administrative Code.

594 (g) An agency may supersede an emergency rule in effect
595 through adoption of another emergency rule before the superseded
596 rule expires. The reason for adopting the superseding rule must
597 be stated in accordance with the procedures set forth in
598 paragraph (a), and the superseding rule is in effect during the
599 effective period of the superseded rule.

600 (h) An agency may make technical changes to an emergency
601 rule within the first 7 days after the rule is adopted, and such
602 changes must be published in the Florida Administrative Register
603 as a notice of correction.

604 (i) Subject to applicable constitutional and statutory
605 provisions, an emergency rule becomes effective immediately on
606 filing, or on a date less than 20 days thereafter if specified
607 in the rule, if the adopting agency finds that such effective
608 date is necessary because of immediate danger to the public
609 health, safety, or welfare.

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610 (j) An agency may repeal an emergency rule before it
611 expires by providing notice of its intended action in the
612 Florida Administrative Register. The notice must include the
613 full text of the emergency rule and a summary thereof; if
614 applicable, a reference to the rule number; and a short, plain
615 explanation as to why the conditions specified in accordance
616 with paragraph (a) no longer require the emergency rule.

617 (7) PETITION TO INITIATE RULEMAKING.—

618 (a) Any person regulated by an agency or having substantial
619 interest in an agency rule may petition an agency to adopt,
620 amend, or repeal a rule or to provide the minimum public
621 information required by this chapter. The petition ~~must~~ shall
622 specify the proposed rule and action requested. The agency shall
623 provide to the committee a copy of the petition within 7 days
624 after its receipt. No ~~Not~~ later than 30 calendar days following
625 the date of filing a petition, the agency shall initiate
626 rulemaking proceedings under this chapter, otherwise comply with
627 the requested action, or deny the petition with a written
628 statement of its reasons for the denial. The agency shall notify
629 the committee of its intended action or response within 7 days.

630 Section 3. Paragraph (a) of subsection (1) and subsection
631 (3) of section 120.541, Florida Statutes, are amended, and
632 subsection (4) of that section is reenacted, to read:

633 120.541 Statement of estimated regulatory costs.—

634 (1)(a) Within 21 days after publication of the notice
635 required under s. 120.54(3)(a), a substantially affected person
636 may submit to an agency a good faith written proposal for a
637 lower cost regulatory alternative to a proposed rule which
638 substantially accomplishes the objectives of the law being

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639 implemented. The proposal may include the alternative of not
 640 adopting any rule if the proposal explains how the lower costs
 641 and objectives of the law will be achieved by not adopting any
 642 rule. If submitted after a notice of change, a proposal for a
 643 lower cost regulatory alternative is deemed to be made in good
 644 faith only if the person reasonably believes, and the proposal
 645 states, the person's reasons for believing that the proposed
 646 rule as changed by the notice of change increases the regulatory
 647 costs or creates an adverse impact on small businesses which was
 648 not created by the previously proposed rule. If such a proposal
 649 is submitted, the 90-day period for filing the rule is extended
 650 21 days. Upon the submission of the lower cost regulatory
 651 alternative, the agency shall prepare a statement of estimated
 652 regulatory costs as provided in subsection (2), or shall revise
 653 its prior statement of estimated regulatory costs, and either
 654 adopt the alternative or provide a statement of the reasons for
 655 rejecting the alternative in favor of the proposed rule. The
 656 agency shall provide to the committee, within 7 days after its
 657 receipt, a copy of any proposal for a lower cost regulatory
 658 alternative, and within 7 days after its release, a copy of the
 659 agency's response thereto. The agency may not file a rule for
 660 adoption before such proposal, if applicable, has been provided
 661 to the committee.

662 (3) If the adverse impact or regulatory costs of the rule
 663 exceed any of the criteria established in paragraph (2) (a), the
 664 rule must ~~shall~~ be submitted to the President of the Senate and
 665 Speaker of the House of Representatives no later than 30 days
 666 before ~~prior to~~ the next regular legislative session, and the
 667 rule may not take effect until it is ratified by the

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668 Legislature. The agency shall notify the committee of its
 669 submission of the rule to the Legislature for ratification
 670 within 3 business days after submittal.
 671 (4) Subsection (3) does not apply to the adoption of:
 672 (a) Federal standards pursuant to s. 120.54(6).
 673 (b) Triennial updates of and amendments to the Florida
 674 Building Code which are expressly authorized by s. 553.73.
 675 (c) Triennial updates of and amendments to the Florida Fire
 676 Prevention Code which are expressly authorized by s. 633.202.
 677 Section 4. Section 120.5435, Florida Statutes, is created
 678 to read:
 679 120.5435 Agency review of rules.—
 680 (1) By July 1, 2030, each agency, in coordination with the
 681 committee, shall review all existing rules adopted by the agency
 682 before July 1, 2025, in accordance with this section.
 683 (2) Beginning October 1, 2025, each agency shall include a
 684 list of its existing rules in its annual regulatory plan,
 685 prepared and submitted pursuant to s. 120.74. The agency shall
 686 include a schedule of the rules it will review each year during
 687 the 5-year rule review period. The agency may amend its yearly
 688 schedule in subsequent regulatory plans but must provide for the
 689 completed review of at least 20 percent of the agency's rules
 690 per year, until all of its subject rules have been reviewed.
 691 (3) The agency rule review must determine whether each
 692 rule:
 693 (a) Is a valid exercise of delegated legislative authority;
 694 (b) Has current statutory authority;
 695 (c) Reiterates or paraphrases statutory material;
 696 (d) Is in proper form;

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697 (e) Is consistent with expressed legislative intent
 698 pertaining to the specific provisions of law which the rule
 699 implements;

700 (f) Requires a technical or substantive update to reflect
 701 current use; and

702 (g) Requires updated references to statutory citations and
 703 incorporated materials.

704 (4) By January 1 of each year, the agency shall submit a
 705 report to the President of the Senate and the Speaker of the
 706 House of Representatives which summarizes the agency's intended
 707 action on each rule under review during the current fiscal year.

708 (5) The agency shall take one of the following actions
 709 during its rule review:

710 (a) Make no change to the rule. If the agency determines
 711 that no change is necessary, the agency must file with the
 712 committee by April 1 a copy of the reviewed rule, a written
 713 statement of its intended action, and its assessment of factors
 714 specified in subsection (3).

715 (b) Make a technical change to the rule. If the agency
 716 determines that one or more technical changes are necessary, the
 717 agency must file with the committee by April 1 a copy of the
 718 reviewed rule and the recommended technical change or changes
 719 coded by underlining new text and striking through deleted text,
 720 a written statement of its intended action, its assessment of
 721 the factors specified in subsection (3), and the facts and
 722 circumstances justifying the technical change or changes to the
 723 reviewed rule.

724 (c) Make a substantive change to the rule. If the agency
 725 determines that the rule requires a substantive change, the

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726 agency must make all changes, including any technical change, to
 727 the rule in accordance with this chapter. The agency shall
 728 publish a notice of rule development in the Florida
 729 Administrative Register by April 1. The agency shall also file
 730 with the committee by April 1 a copy of the reviewed rule and
 731 the recommended change or changes coded by underlining new text
 732 and striking through deleted text, a written statement of its
 733 intended action, and its assessment of factors specified in
 734 subsection (3). This submission to the committee does not
 735 constitute a notice of rule development as contemplated by s.
 736 120.54(3)(a) and is not required to be in the same form as the
 737 rule that will be proposed by the agency.

738 (d) Repeal the rule. If an agency determines that the rule
 739 should be repealed, the agency must repeal the rule in
 740 accordance with this chapter. The agency shall publish a notice
 741 of proposed rule development in the Florida Administrative
 742 Register by April 1. The agency shall also file with the
 743 committee by April 1 a written statement of its intended action
 744 and its assessment of factors specified in subsection (3). This
 745 submission to the committee does not constitute a notice of rule
 746 development as contemplated by s. 120.54(3)(a).

747 (6) The committee shall examine the agency's rule review
 748 submission. The committee may request from an agency any
 749 information that is reasonably necessary for examination of a
 750 rule as required by subsection (1). If the agency recommends no
 751 change or a technical change to a rule, the committee must
 752 complete its examination within 90 calendar days after the
 753 agency transmits the report required under subsection (4). Upon
 754 completion of its examination, the committee must certify

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755 whether the agency has responded in writing to all material and
756 timely written comments or inquiries made on behalf of the
757 committee.

758 (7) The rule review is completed upon either:

759 (a) The agency, upon approval of the agency head or his or
760 her designee, electronically filing a certified copy of the
761 reviewed rule to which no changes or only technical changes were
762 made, and the committee's certification granted pursuant to
763 subsection (6), with the Department of State.

764 (b) The agency, for a reviewed rule subject to substantive
765 change or repeal, timely filing a proposed rule pursuant to s.
766 120.54.

767 (8) The Department of State shall publish in the Florida
768 Administrative Register a notice of the completed rule review
769 and shall update the history note of the rule in the Florida
770 Administrative Code to reflect the date of the rule review's
771 completion, if applicable.

772 (9) A technical change to a rule reviewed pursuant to this
773 section is not subject to a challenge as a proposed rule
774 pursuant to s. 120.56(2).

775 (10) The hearing requirements of s. 120.54 do not apply to
776 a rule reviewed pursuant to this section.

777 (11) The Department of State shall adopt rules to implement
778 this section no later than December 31, 2025.

779 (12) This section is repealed July 1, 2032, unless reviewed
780 and saved from repeal through reenactment by the Legislature.

781 Section 5. Subsection (1) of section 120.55, Florida
782 Statutes, is amended to read:
783 120.55 Publication.—

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784 (1) The Department of State shall:

785 (a)1. Through a continuous revision and publication system,
786 compile and publish electronically, on a website managed by the
787 department, the "Florida Administrative Code." The Florida
788 Administrative Code ~~must shall~~ contain all rules adopted by each
789 agency, citing the grant of rulemaking authority and the
790 specific law implemented pursuant to which each rule was
791 adopted, all history notes as authorized in ss. 120.5435 and
792 120.545(7) s. 120.545(7), complete indexes to all rules and any
793 material incorporated by reference contained in the code, and
794 any other material required or authorized by law or deemed
795 useful by the department. The electronic code ~~must shall~~ display
796 each rule chapter currently in effect in browse mode and allow
797 full text search of the code and each rule chapter. The
798 department may contract with a publishing firm for a printed
799 publication; however, the department ~~retains shall retain~~
800 responsibility for the code as provided in this section. The
801 electronic publication ~~is shall be~~ the official compilation of
802 the administrative rules of this state. The Department of State
803 ~~retains shall retain~~ the copyright over the Florida
804 Administrative Code.

805 2. Rules general in form but applicable to only one school
806 district, community college district, or county, or a part
807 thereof, or state university rules relating to internal
808 personnel or business and finance ~~may shall~~ not be published in
809 the Florida Administrative Code. Exclusion from publication in
810 the Florida Administrative Code ~~does shall~~ not affect the
811 validity or effectiveness of such rules.

812 3. At the beginning of the section of the code dealing with

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813 an agency that files copies of its rules with the department,
 814 the department shall publish the address and telephone number of
 815 the executive offices of each agency, the manner by which the
 816 agency indexes its rules, a listing of all rules of that agency
 817 excluded from publication in the code, a listing of all forms
 818 and material incorporated by reference adopted by rule which are
 819 used by the agency, and a statement as to where those rules may
 820 be inspected.

821 4. Forms ~~may shall~~ not be published in the Florida
 822 Administrative Code; but any form which an agency uses in its
 823 dealings with the public, along with any accompanying
 824 instructions, ~~must shall~~ be filed with the committee before it
 825 is used. Any form or instruction which meets the definition of
 826 the term "rule" provided in s. 120.52 ~~must shall~~ be incorporated
 827 by reference into the appropriate rule. The reference ~~must shall~~
 828 specifically state that the form is being incorporated by
 829 reference and ~~shall~~ include the number, title, and effective
 830 date of the form and an explanation of how the form may be
 831 obtained. Each form created by an agency which is incorporated
 832 by reference in a rule notice of which is given under s.
 833 120.54(3) (a) after December 31, 2007, must clearly display the
 834 number, title, and effective date of the form and the number of
 835 the rule in which the form is incorporated.

836 5. After December 31, 2025, the department shall require
 837 any material incorporated by reference in allow adopted rules
 838 ~~and material incorporated by reference~~ to be filed in electronic
 839 form as prescribed by department rule. When a rule is filed for
 840 adoption with incorporated material in electronic form, the
 841 department's publication of the Florida Administrative Code on

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842 its website must contain a hyperlink from the incorporating
 843 reference in the rule directly to that material. The department
 844 may not allow hyperlinks from rules in the Florida
 845 Administrative Code to any material other than that filed with
 846 and maintained by the department, but may allow hyperlinks to
 847 incorporated material maintained by the department from the
 848 adopting agency's website or other sites.

849 6. The department shall include the date of any technical
 850 changes in the history note of the rule in the Florida
 851 Administrative Code. A technical change does not affect the
 852 effective date of the rule. A technical change made after the
 853 adoption of a rule must be published as a notice of correction.

854 (b) Electronically publish on a website managed by the
 855 department a continuous revision and publication entitled the
 856 "Florida Administrative Register," which serves shall serve as
 857 the official publication and must contain:

858 1. All notices required by s. 120.54(2) and (3) (a), showing
 859 the text of all rules proposed for consideration.

860 2. All notices of public meetings, hearings, and workshops
 861 conducted in accordance with s. 120.525, including a statement
 862 of the manner in which a copy of the agenda may be obtained.

863 3. A notice of each request for authorization to amend or
 864 repeal an existing uniform rule or for the adoption of new
 865 uniform rules.

866 4. Notice of petitions for declaratory statements or
 867 administrative determinations.

868 5. A list of all rules that were not timely reviewed by
 869 their respective agency, pursuant to s. 120.5435, updated at
 870 least annually.

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871 6. A summary of each objection to any rule filed by the
872 Administrative Procedures Committee.

873 ~~7.6-~~ A list of rules filed for adoption in the previous 7
874 days.

875 ~~8.7-~~ A list of all rules filed for adoption pending
876 legislative ratification under s. 120.541(3). A rule shall be
877 removed from the list once notice of ratification or withdrawal
878 of the rule is received.

879 ~~9.8-~~ Any other material required or authorized by law or
880 deemed useful by the department.

881

882 The department may contract with a publishing firm for a printed
883 publication of the Florida Administrative Register and make
884 copies available on an annual subscription basis.

885 (c) Prescribe by rule the style and form required for
886 rules, notices, and other materials submitted for filing,
887 including any rule requiring that documents created by an agency
888 which are proposed to be incorporated by reference in notices
889 published pursuant to s. 120.54(3)(a) and (d) be coded as
890 required in s. 120.54(1)(i)7.

891 (d) Charge each agency using the Florida Administrative
892 Register a space rate to cover the costs related to the Florida
893 Administrative Register and the Florida Administrative Code.

894 (e) Maintain a permanent record of all notices published in
895 the Florida Administrative Register.

896 Section 6. Paragraph (c) of subsection (1) and subsections
897 (4) through (8) of section 120.74, Florida Statutes, are
898 amended, and paragraphs (e) and (f) are added to subsection (1)
899 of that section, to read:

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

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900 120.74 Agency annual rulemaking and regulatory plans;
901 reports.-

902 (1) REGULATORY PLAN.—By October 1 of each year, each agency
903 shall prepare a regulatory plan.

904 (c) The plan must include any desired update to the prior
905 year's regulatory plan or supplement published pursuant to
906 subsection (5) (7). If, in a prior year, a law was identified
907 under this paragraph or under subparagraph (a)1. as a law
908 requiring rulemaking to implement but a notice of proposed rule
909 has not been published:

910 1. The agency shall identify and again list such law,
911 noting the applicable notice of rule development by citation to
912 the Florida Administrative Register; or

913 2. If the agency has subsequently determined that
914 rulemaking is not necessary to implement the law, the agency
915 shall identify such law, reference the citation to the
916 applicable notice of rule development in the Florida
917 Administrative Register, and provide a concise written
918 explanation of the reason why the law may be implemented without
919 rulemaking.

920 (e) The plan must also include all of the following:

921 1. A list of the agency's existing rules scheduled for
922 review pursuant to s. 120.5435.

923 2. A 5-year schedule for the review of all existing rules
924 as of July 1, 2025.

925 3. A yearly schedule for the rules it will review each year
926 during the 5-year rule review. The agency may amend this
927 schedule, if necessary.

928 (f) The plan must include any desired update to the prior

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929 year's regulatory plan or supplement thereof, published pursuant
 930 to subsection (5). If, in a prior year, the agency identified a
 931 rule under this paragraph as one requiring review pursuant to s.
 932 120.5435, but the agency has not yet completed an action
 933 described in s. 120.5435(5):

934 1. The agency must identify and list such rule in its
 935 regulatory plan as an untimely rule review and notify the
 936 committee of such action; or

937 2. If the agency subsequently determined that the rule
 938 review is not necessary, the agency must identify the rule and
 939 provide a concise written explanation of the reason why the rule
 940 does not require a rule review.

941 ~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each~~
 942 ~~year, each agency shall publish a notice of rule development~~
 943 ~~under s. 120.54(2) for each law identified in the agency's~~
 944 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
 945 ~~rulemaking is necessary to implement but for which the agency~~
 946 ~~did not report the publication of a notice of rule development~~
 947 ~~under subparagraph (1)(a)2.~~

948 ~~(5) CORRECTING THE REGULATORY PLAN DEADLINE TO PUBLISH~~
 949 ~~PROPOSED RULE. For each law for which implementing rulemaking is~~
 950 ~~necessary as identified in the agency's plan pursuant to~~
 951 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
 952 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
 953 ~~April 1 of the year following the deadline for the regulatory~~
 954 ~~plan. This deadline may be extended if the agency publishes a~~
 955 ~~notice of extension in the Florida Administrative Register~~
 956 ~~identifying each rulemaking proceeding for which an extension is~~
 957 ~~being noticed by citation to the applicable notice of rule~~

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958 ~~development as published in the Florida Administrative Register.~~
 959 ~~The agency shall include a concise statement in the notice of~~
 960 ~~extension identifying any issues that are causing the delay in~~
 961 ~~rulemaking. An extension shall expire on October 1 after the~~
 962 ~~April 1 deadline, provided that the regulatory plan due on~~
 963 ~~October 1 may further extend the rulemaking proceeding by~~
 964 ~~identification pursuant to subparagraph (1)(c)1. or conclude the~~
 965 ~~rulemaking proceeding by identification pursuant to subparagraph~~
 966 ~~(1)(e)2. A published regulatory plan may be corrected at any~~
 967 ~~time to accomplish the purpose of extending or concluding an~~
 968 ~~affected rulemaking proceeding by identifying the applicable~~
 969 ~~rule pursuant to subparagraph (1)(c)2. The regulatory plan and~~
 970 ~~is deemed corrected as of the October 1 due date. Upon~~
 971 ~~publication of a correction, the agency shall publish in the~~
 972 ~~Florida Administrative Register a notice of the date of the~~
 973 ~~correction identifying the affected rulemaking proceeding by~~
 974 ~~applicable citation to the Florida Administrative Register.~~

975 ~~(6) CERTIFICATIONS. Each agency shall file a certification~~
 976 ~~with the committee upon compliance with subsection (4) and upon~~
 977 ~~filing a notice under subsection (5) of either a deadline~~
 978 ~~extension or a regulatory plan correction. A certification may~~
 979 ~~relate to more than one notice or contemporaneous act. The date~~
 980 ~~or dates of compliance shall be noted in each certification.~~

981 ~~(5)(7) SUPPLEMENTING THE REGULATORY PLAN. After publication~~
 982 ~~of the regulatory plan, the agency shall supplement the plan~~
 983 ~~within 30 days after a bill becomes a law if the law is enacted~~
 984 ~~before the next regular session of the Legislature and the law~~
 985 ~~substantively modifies the agency's specifically delegated legal~~
 986 ~~duties, unless the law affects all or most state agencies as~~

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987 identified by letter to the committee from the Governor or the
988 Attorney General. The supplement must include the information
989 required in paragraph (1) (a) and shall be published as required
990 in subsection (2), but no certification or delivery to the
991 committee is required. The agency shall publish in the Florida
992 Administrative Register notice of publication of the supplement,
993 and include a hyperlink on its website or web address for direct
994 access to the published supplement. For each law reported in the
995 supplement, if rulemaking is necessary to implement the law, the
996 agency shall publish a notice of rule development ~~by the later~~
997 ~~of the date provided in subsection (4) or~~ 60 days after the bill
998 becomes a law, and a notice of proposed rule shall be published
999 ~~by the later of the date provided in subsection (5) or~~ 120 days
1000 after the bill becomes a law. ~~The proposed rule deadline may be~~
1001 ~~extended to the following October 1 by notice as provided in~~
1002 ~~subsection (5).~~ If such proposed rule has not been filed by
1003 October 1, a law included in a supplement shall also be included
1004 in the next annual plan pursuant to subsection (1).

1005 (7)(8) FAILURE TO COMPLY.—If an agency fails to comply with
1006 a requirement of paragraph (2) (a) ~~or subsection (5)~~, within 15
1007 days after written demand from the committee or from the chair
1008 of any other legislative committee, the agency shall deliver a
1009 written explanation of the reasons for noncompliance to the
1010 committee, the President of the Senate, the Speaker of the House
1011 of Representatives, and the chair of any legislative committee
1012 requesting the explanation of the reasons for noncompliance.

1013 Section 7. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 116

INTRODUCER: Appropriations Committee on Health and Human Services; Senators Burgess and Collins

SUBJECT: Veterans

DATE: March 11, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Howard</u>	<u>McKnight</u>	<u>AHS</u>	Fav/CS
3.	<u>Ingram</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 116 amends multiple provisions regarding veterans. Specifically, the bill:

- Reduces the maximum number of nominees the Florida Veterans' Hall of Fame Council may transmit to the Florida Department of Veterans' Affairs (FDVA) for submission to the Governor and the Cabinet for induction into the Florida Veterans' Hall of Fame from 20 to five.
- Requires the FDVA to evaluate the extent to which veterans and their spouses and dependents are aware of programs and services and to also make recommendations on increasing such public awareness.
- Requires the FDVA to ensure coordination to the greatest extent possible with the United States Department of Defense to engage servicemembers relating to reentry into civilian life and authorizes the FDVA to engage county and city veteran service officers for assistance. The FDVA is to include in its annual report the actions taken to implement this engagement.
- Requires the FDVA to submit an evaluation of veterans' health literacy in this state.
- Requires the Veteran Suicide Prevention Training Pilot Program to include specialized mental health training to recognize indicators of elevated mental health conditions.
- Corrects a reference to United States Code for purposes of veterans' education and training.
- Expands the duties of Florida is for Veterans, Inc., to include advising the FDVA on problems or needs of veterans and their spouses and dependents.
- Removes an obsolete reference to the Florida Defense Support Task Force.

- Requires the FDVA to develop a statewide plan to establish adult day health care facilities across the state to serve veterans and their families.
- Authorizes that a percentage of the proceeds from the sale of the Gadsden Flag specialty license plate be used for administrative costs.

The bill appropriates funding to the FDVA for the 2025-2026 fiscal year to implement the provisions of the bill. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Veterans' Hall of Fame

Administered by the Florida Department of Veterans' Affairs (FDVA), the Florida Veterans' Hall of Fame (FVHF) was established by the Florida Legislature¹ to honor military veterans who, through their works and lives during or after their military service, have made noteworthy contributions to the state.² An inductee into the FVHF is commemorated with his or her name placed on a plaque that is displayed in a designated area of the State Capitol Building.³ During the 2012 Legislative Session, the Florida Veterans' Hall of Fame Council (Council) was created as an advisory council⁴ to oversee the FVHF.⁵ The Governor, the President of the Senate, the Speaker of the House of Representatives, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the executive director of the FDVA each appoint one member to the seven-member Council which is comprised of honorably discharged veterans.⁶

The Council is directed to annually accept nominations and transmit up to 20 nominees to the FDVA for submission to the Governor and the Cabinet, who then select the nominees to be inducted into the FVHF.⁷ The Council gives preference to veterans born in Florida or who adopted Florida has their home state and who have made a significant contribution to the state in civic, business, public service, or other pursuits.⁸ The Council is authorized to establish criteria and timeframes regarding the nominating process and induction ceremony.⁹

The Council established the following nomination criteria:

- Meet the definition of "Veteran" as defined by s. 1.01, F.S., as determined by the U.S. Department of Defense documentation, such as a DD Form 214, or proof of service from the Florida National Guard with a NGB Form 22.

¹ Ch. 2011-168, s. 1, Laws of Fla.

² Florida Veterans Hall of Fame, *Honoring Florida's Veterans*, <https://floridaveteranshalloffame.org/> (last visited February 7, 2025).

³ Section 265.003(2)(b), F.S.

⁴ Under s. 20.03(7), F.S., "council" or "advisory council" is defined as an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives

⁵ Ch. 2012-159, s. 5, Laws of Fla. See also s. 265.003(4)(a), F.S.

⁶ Section 265.003(3)(a), F.S.

⁷ Section 265.003(4)(a), F.S.

⁸ Section 265.003(4)(b), F.S.

⁹ Section 265.003(5), F.S.

- Have received an honorable discharge from the U.S. Armed Forces and can provide official documentation verifying discharge status.
- Have exhibited good moral character.¹⁰

In addition, posthumous nominations are accepted if a veteran's records documenting his or her military service are provided. If the veteran's DD Form 214 or NGB Form 22 is not available, then other documentation including discharge papers, news articles, affidavits, official letters of service from a branch of service, the U.S. Department of Defense, or the Florida National Guard, or other documentation that can be verified may be accepted.¹¹ Employees of the Governor's staff, all elected or appointed officials in the State of Florida, members of County Veteran Service Offices, and members of the FDVA, its Foundation and the Council are ineligible for induction until two years after they have left their position. The Council may recommend a waiver of the two year requirement for nominees over the age of 70.¹²

Department of Veterans' Affairs

The FDVA was created to provide assistance to all former, present, and future members of the Armed Forces of the United States and their spouses and dependents in preparing claims for and securing compensation, hospitalization, career training, and other benefits or privileges to which they are, or may become entitled to under federal or state law or regulation by reason of their service in the Armed Forces of the United States.¹³ There are about 1.4 million veterans living in Florida, making the state's veteran population the third largest nationally.¹⁴

The FDVA is authorized to apply for and accept funds, grants, gifts, and services from the state, federal government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out its duties.¹⁵

One of the duties of the FDVA is to conduct an ongoing study on the problems and needs of veterans of the Armed Forces of the United States and their spouses and dependents who reside in Florida. The study must include a survey of:

- Existing state and federal programs available for resident veterans and their spouses and dependents that specify the extent to which the programs are being implemented, with recommendations for the improved implementation, extension, or improvement of the programs.
- The needs of resident veterans and their spouses and dependents in the areas of social services, health care, education, and employment, and any other areas of determined need,

¹⁰ Florida Veterans Hall of Fame, Nomination Process, available at https://floridaveteranshalloffame.org/?page_id=3249 (last visited Feb. 13, 2025).

¹¹ Florida Veterans Hall of Fame, Nomination Process, available at https://floridaveteranshalloffame.org/?page_id=3249 (last visited Feb. 13, 2025).

¹² *Id.*

¹³ Section 292.05(1), F.S.

¹⁴ Florida Dep't of Veterans' Affairs, *Our Veterans*, available at <https://floridavets.org/our-veterans/> (last visited Feb. 13, 2025).

¹⁵ Section 292.05(4), F.S.

with recommendations regarding federal, state, and community services that would meet those needs.

- Federal, state, public, and private moneys available that could be used to defray the costs of state or community services needed for resident veterans and their spouses and dependents.¹⁶

The FDVA is directed to annually submit a written report to the Governor, the Cabinet, and the Legislature which describes expenses incurred in veteran service work; cases handled by the FDVA and by county and city veteran service officers of the state;¹⁷ benefits obtained for veterans; and information regarding certified veteran service officers.¹⁸ The report must also describe departmental actions taken by the FDVA and include other information and departmental recommendations as it relates to its duties and responsibilities.¹⁹ In addition, the report must also include the current status of the FDVA's domiciliary and nursing homes.²⁰

County and City Veteran Service Officers and Agency Claims Examiners

County and city veteran service officers are responsible for assisting veterans and their dependents in securing all entitled benefits earned through honorable military service and to advocate for veterans' interest in their community.²¹ Current law authorizes each board of county commissioners to employ a county veteran service officer.²² Likewise, the governing body of a city may employ a city veteran service officer.²³ The FDVA's claim examiners, set up to assist veterans with claims, are co-located with the United States Department of Veterans Affairs (VA) Regional Office in Bay Pine, each VA Medical Center, and many VA Outpatient Clinics.²⁴

The FDVA provides the training program for county and city veteran service officers.²⁵ Every county or city veteran service officer must attend the training and successfully complete a test administered by the FDVA. The FDVA is required to further establish periodic training refresher courses, which must be completed as a condition of continued employment.²⁶

Transition Assistance

The FDVA through Florida is for Veterans, Inc., (Veterans Florida) supports servicemembers with the transition into civilian life in many ways including, but not limited to, engaging servicemembers through the SkillBridge program, by hosting job fairs, and by briefing servicemembers while they are participating in the United States Armed Forces' Transition

¹⁶ Section 292.05(5), F.S.

¹⁷ Section 292.11, F.S.

¹⁸ Section 292.05(6)(a), F.S.

¹⁹ *Id.*

²⁰ Section 292.05(6)(b), F.S.

²¹ Leon County Government, Veterans Services, available at <https://cms.leoncountyfl.gov/Home/Departments/Office-of-Human-Services-and-Community-Partnership/Veterans-Services> (last visited Feb. 10, 2025).

²² Section 292.11(1), F.S.

²³ *Id.*

²⁴ Veteran Help Group, *Benefits and Services-Claims*, available at <https://www.veteranhelpgroup.com/claims> (last visited Feb. 10, 2025).

²⁵ Section 292.11(4), F.S.

²⁶ *Id.*

Assistance Programs.^{27, 28} SkillBridge is a program under the U.S. Department of Defense that connects transitioning servicemembers to occupational training.²⁹ The program provides opportunities for a servicemember to participate in industry training programs as he or she prepares to transition back into his or her civilian life.³⁰

Veteran's Mental Health and Suicide Prevention

Population and Mental Health

As of 2023, the VA reported that there were 19.1 million veterans living in the United States and of that about 1,430,000 veterans resided in Florida.³¹ Of the Florida veterans:

- 1.1 million are wartime veterans;
- 330,000 are peacetime veterans;
- 11,000 are World War II veterans;
- 75,000 are Korean War veterans;
- 462,000 are Vietnam-era veterans; and
- 421,000 are Gulf War veterans including post-9/11.³²

The FDVA is responsible for serving the third largest veteran population in the United States.³³

Veterans are known to have higher levels of mental distress than nonveterans. In a 2014 study, almost 1 in 4 veterans showed symptoms of mental illness.³⁴ Predominant mental health diagnoses among veterans are:

- Posttraumatic Stress Disorder at a rate of 15 times that of the general population;
- Depression at a rate of five times that of the general population; and
- Traumatic Brain Injury (TBI).³⁵

Veterans who have a diagnosable mental health illness are at a much higher risk of suicide than veterans without mental illness. A 2017 study of Veterans Health Administration patients shows

²⁷ Florida Dep't of Veterans' Affairs, *Senate Bill 116 Agency Legislative Bill Analysis* (Feb. 10, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁸ As established under 10 U.S.C. 1144 (2022), the program furnishes counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the armed forces.

²⁹ U.S. Department of Defense, *DOD Skillbridge Program Brochure*, available at <https://skillbridge.osd.mil/docs/SkillBridge-Program-Brochure.pdf> (Feb. 10, 2025).

³⁰ U.S. Department of Defense, *DOD Skillbridge Program Brochure*, available at <https://skillbridge.osd.mil/docs/SkillBridge-Program-Brochure.pdf> (Feb. 10, 2025).

³¹ Florida Dep't of Veterans' Affairs, *Our Veterans-Fast Facts*, available at <https://www.floridavets.org/our-veterans/profilefast-facts/> (last visited Feb. 12, 2025).

³² *Id.*

³³ *Id.*

³⁴ National Institute on Mental Illness (NAMI), *Veterans & Active Duty-Mental Health Concerns*, available at <https://www.nami.org/Your-Journey/Veterans-Active-Duty> (last visited Feb. 10, 2025).

³⁵ *Id.*

a more than double rate of suicide among veterans with a mental health or substance use disorder than persons without these diagnoses.³⁶

An estimated 30,177 active duty service members and veterans of the post 9/11 wars have died by suicide, significantly more than the 7,057 service members that died in the post 9/11 war operations.³⁷ Identified causes vary. As many as 20 percent of post 9/11 servicemembers have experienced a TBI, many of which have been exposed to repetitive damage.³⁸

Federal Programs

In 2018, the VA implemented a 10-year strategy for preventing veteran suicide.³⁹ This approach to suicide prevention involves a veteran's family, peers, and community and includes specific outreach to veterans who do not access services of the VA.⁴⁰

VA suicide prevention initiatives include all of the following:

- Enhancing mental health services for veterans who are women.
- Broadening telehealth.
- Developing free-of-charge mobile applications for veterans and their families.
- Improving access to mental health care.
- Assisting families of veterans by telephone.⁴¹

In implementing a suicide prevention strategy, the VA partners with other government agencies and organizations at both the national and local level to share information and training on suicide prevention.⁴² One of the ways the VA has addressed state-level suicide prevention is through the "Governor's Challenge to Prevent Suicide Among Service Members, Veterans, and their Families," the VA's ongoing collaboration with the Substance Abuse and Mental Health Services Administration."⁴³ The "Mayor's Challenges to Prevent Suicide Among Service Members, Veterans, and their Families" is an analogous collaboration at the local level for communities across the nation.⁴⁴ The goal of these initiatives is to expand and implement state-

³⁶ The rate of suicide among Veterans Health Administration patients with mental health illness at the time of the study was 57 patients per 100,000. Rand Corporation, *Suicide Among Veterans/Veterans' Issues in Focus*, (July 15, 2021) available at <https://www.rand.org/pubs/perspectives/PEA1363-1.html> (last visited Feb. 10, 2025).

³⁷ Thomas Howard Suitt, III, Watson Institute, International & Public Affairs, Brown University, *High Suicide Rates among United States Service Members and Veterans of the Post-9/11 Wars*, available at https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Suitt_Suicides_Costs%20of%20War_June%2021%202021.pdf (June 21, 2021) (pgs. 1, 3).

³⁸ *Id.* at 3-4.

³⁹ U.S. Dep't of Veterans Affairs, *National Strategy for Preventing Veteran Suicide, 2018-2028*, available at https://www.mentalhealth.va.gov/suicide_prevention/docs/Office-of-Mental-Health-and-Suicide-Prevention-National-Strategy-for-Preventing-Veterans-Suicide.pdf.

⁴⁰ *Id.* at 1.

⁴¹ *Id.* at 11.

⁴² *Id.*

⁴³ U.S. Dep't of Veterans Affairs, Office of Suicide Prevention, *2024 National Veteran Suicide Prevention Report*, available at https://www.mentalhealth.va.gov/docs/data-sheets/2024/2024-Annual-Report-Part-1-of-2_508.pdf (Dec. 2024) (pg. 34).

⁴⁴ SAMHSA, Substance Abuse and Mental Health Services Administration, Service Members, Veterans, and their Families Technical Assistance, *Governor's and Mayor's Challenges*, available at <https://www.samhsa.gov/technical-assistance/smvf/challenges> (last visited Feb. 10, 2025).

wide best practices for preventing and reducing suicide.⁴⁵ All 50 states and five territories are involved in the Governor’s Challenge and 14 community teams are still actively engaged in the “Mayor’s Challenge.”⁴⁶

State Programs

In 2021, the FDVA was authorized to establish the Florida Veterans’ Care Coordination (FVCC) Program.⁴⁷ To provide services, the FDVA may contract with a nonprofit, accredited entity to provide dedicated behavioral health care referral services, through the state’s 211 Network.⁴⁸ The FVCC program objectives are to prevent veteran suicide, increase veteran use of programs and services provided by the VA, and to increase veteran usage of community-based programs and services.⁴⁹

The FDVA established the Veteran Suicide Prevention Training Pilot program to offer the FDVA’s claims examiner and each county and city veteran service officer specialized training and certification in the prevention of veteran suicide.⁵⁰ To provide training curriculum, the FDVA contracts with an organization established in developing and implementing veteran-relevant and evidence-based suicide prevention training.⁵¹

Pilot program participants must be trained in identifying indicators of elevated suicide risk and providing emergency crisis referrals for veterans in emotional or psychological distress.⁵² The FDVA is directed to adopt rules regarding the implementation of the pilot program.⁵³ The FDVA must also submit an annual report to the Legislature each year that includes information on the program and recommendations on whether changes should be made to increase the effectiveness of the pilot program.⁵⁴ The FDVA will recommend whether the pilot program should be continued in its June 30, 2026, report.⁵⁵

State Approving Agency for Veterans’ Education and Training

The FDVA is the designated state approving agency for purposes of veteran’s education and training in accordance with federal law and the annual contract between the state of Florida and the federal government.⁵⁶

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Chapter 2021-198, Laws of Fla.; s. 394.9087, F.S.

⁴⁸ Section 394.9087(1), F.S. The Florida 211 network, established in s. 408.918, F.S., operates as the single point of coordination for information and referral of health and human services (s. 408.918(1), F.S.).

⁴⁹ Section 394.9087(2), F.S.

⁵⁰ Ch. 2022-39, Laws of Fla. See s. 292.115, F.S.

⁵¹ Section 292.115(2), F.S.

⁵² *Id.*

⁵³ Section 292.115(2), F.S.

⁵⁴ Section 292.115(4), F.S.

⁵⁵ *Id.*

⁵⁶ Ch. 88-29, s. 24, Laws of Fla. See s. 295.124, F.S.

Florida is For Veterans, Inc.

Veterans Florida is a nonprofit corporation within the FDVA created to promote Florida as a veteran-friendly state.⁵⁷ Veterans Florida encourages and assists retired and recently separated military personnel to keep or make Florida their permanent residence. Veterans Florida also assists veterans and their spouses with employment opportunities and encourages the hiring of veterans and their spouses by the business community which lends to its mission in assisting veterans fully transition to civilian life.^{58, 59} Veterans Florida also counsels the FDVA on the needs and difficulties of veterans and their spouses.⁶⁰

Veterans Employment and Training Services Program

Created within the FDVA, the Veterans Employment and Training Services (VETS) program assists in connecting servicemembers, veterans, or their spouses in search of employment with businesses seeking to hire dedicated, well-trained workers for employment.⁶¹ The purpose of the program is to meet the workforce demands of businesses in the state by facilitating access to training and education in high-demand fields and to inspire the growth of veteran owned small businesses.⁶² Veterans Florida administers the VETS program and performs many functions including, but not limited to:

- Conducting marketing and recruiting efforts.
- Assisting individuals in the target market who reside in or relocate to Florida and who seek employment with the target industry or secondary target industry business.
- Offering skills assessments and assisting in establishing employment goals.
- Assisting Florida target industry and secondary industry businesses in recruiting and hiring individuals in the target market. Veterans Florida provides services to Florida businesses to meet their hiring needs by connecting businesses with suitable applicants for employment. Suitable applicants include veterans or veterans' spouses who have appropriate job skills or may need additional training to meet the specific needs of a business.
- Providing information about the state and federal benefits of hiring veterans.
- Creating a grant program to provide funding to assist individuals in the target market in meeting the workforce-skill needs of target industry and secondary industry businesses seeking to hire, promote, or generally improve specialized skills of veterans, establish criteria for approval of requests for funding, and maximize the use of funding for this program.
- Contracting with entities to administer an entrepreneur initiative program for individuals in the target market in Florida which connects business leaders in the state with such individuals seeking to become entrepreneurs.

⁵⁷ Ch. 2014-1, s. 12, Laws of Fla. See s. 295.21(1) and (2), F.S.

⁵⁸ Florida is for Veterans, Inc., Candid, available at <https://www.guidestar.org/profile/47-2327385> (last visited Feb. 10, 2025).

⁵⁹ Section 295.21(2), F.S.

⁶⁰ Florida Dep't of Veterans' Affairs, *supra* note 27.

⁶¹ Section 295.22(3) and (4), F.S.

⁶² Section 295.22(3), F.S.

- Administering a SkillBridge⁶³ initiative for target industry and secondary industry businesses in this state and for eligible individuals in the target market who reside in, or who wish to reside in, this state.⁶⁴

Under the VETS program, Veterans Florida may assist state agencies and entities with recruiting veteran talent into their workforces.⁶⁵ Veterans Florida may collaborate with other state agencies and entities for outreach, information exchange, marketing, and referrals regarding programs and initiatives.⁶⁶ One of the entities that Veterans Florida collaborates with under s. 295.22(5), F.S., is the Department of Commerce and efforts of the now defunct Florida Defense Support Task Force which was replaced by a direct-support organization in 2024.⁶⁷

Veterans' Adult Day Health Care

Adult day care centers provide therapeutic services and activities for adults in a noninstitutional setting.⁶⁸ Participants may use a variety of services offered during any part of a day totaling less than 24 hours.⁶⁹ Basic services provided by adult day care centers include leisure activities, self-care training, nutritional services, and respite care.⁷⁰ These facilities are licensed by the Agency for Health Care Administration.⁷¹ However, facilities that operate under the federal government or any agency thereof are exempt from current state law on adult day care centers.⁷²

The VA Adult Day Health Care Program (Program) was established with the goal of allowing veterans to have a place during the day for social activities, peer support, companionship, and recreation.⁷³ The Program is intended for veterans who need help with activities of daily living, those who are isolated, or whose caregiver is experiencing burden.⁷⁴ Health services such as care from nurses, therapists, social workers, and others may also be provided.⁷⁵ The Program may be provided at VA medical centers, state Veterans Homes, or through community organizations.⁷⁶ To receive a federal grant or grant funding for an adult day health care program, a state must meet the following specific federal requirements:

- If an adult day health care program is located within a nursing home, domiciliary, or other care facility, the adult health care program must have its own separate designated space during operational hours.

⁶³ See U.S. Dep't of Defense, DOD Skillbridge, Program Overview-What is Skillbridge, available at <https://skillbridge.osd.mil/program-overview.htm> (Feb. 10, 2025).

⁶⁴ Section 295.22(4), F.S.

⁶⁵ Section 295.22(5), F.S.

⁶⁶ *Id.*

⁶⁷ Ch. 2024-234, Laws of Fla.

⁶⁸ Section 429.901(3), F.S.

⁶⁹ *Id.* and s. 429.905(2), F.S.

⁷⁰ Section 429.901(1) and (3), F.S.

⁷¹ Section 429.903, F.S.

⁷² Section 429.905, F.S.

⁷³ U.S. Dep't. of Veterans Affairs, *What is Adult Day Health Care*, available at https://www.va.gov/geriatrics/pages/Adult_Day_Health_Care.asp (last visited Feb. 10, 2025).

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

- The indoor space for the adult day health care program must be at least 100 sq. ft. per participant including office space for staff and must be 60 sq. ft. per participant excluding office space for staff.
- Each program will need to design and partition its space to meet its own needs but must make available certain federally mandated functional areas.⁷⁷
- Furnishings must be available for all participants, including functional furniture suitable to the participants' needs.⁷⁸

The FDVA operates nine State Veterans' Homes, which have 1,102 skilled nursing and assisted living beds, and is in the process of adding a tenth home.⁷⁹ In 2023, the Legislature created the Veterans' Adult Day Health Care of Florida Act to provide for the establishment of basic standards for the operation of veterans' adult day health care programs for eligible veterans in need of such services.⁸⁰ A program under this act is a licensed facility operated by the FDVA as an adult day care center⁸¹ However, the FDVA does not currently operate or manage any adult day health care facilities in the state.⁸²

The FDVA determines the eligibility of applicants for admission to the program. The program is available to a veteran as defined in s. 1.01(14), F.S., or a veteran who served in eligible peacetime service, and who must:

- Be in need of adult day health care;
- Be a resident of the state at the time of application;
- Not owe money to the FDVA for services rendered during a previous stay at a FDVA facility;
- Have applied for all financial assistance reasonably available through governmental resources; and
- Have been approved as eligible for care and treatment by the VA.⁸³

The residency requirement may be waived for an applicant only if the veteran is a disaster evacuee of a state under a declared state of emergency and who otherwise qualifies.⁸⁴ Admittance priority given to eligible veterans is established in state law.⁸⁵

Gadsden Flag License Plates

As of December 2024, there are over 130 specialty license plates approved by the Legislature and of these, 114 are authorized for issuance and 22 are in the presale process.⁸⁶ Specialty license

⁷⁷ For the list of federally mandated functional areas, see 38 C.F.R. s. 59.160(c)(1)-(11).

⁷⁸ 38 C.F.R. s. 59.160.

⁷⁹ Florida Dep't of Veterans Affairs, News, *Governor DeSantis Signs Legislation to Support Florida Veterans and Their Families*, June 4, 2024, available at <https://floridavets.org/governor-desantis-signs-legislation-to-support-florida-veterans-and-their-families/> (last visited Feb. 10, 2025).

⁸⁰ Ch. 2023-162, s. 3, Laws of Fla.

⁸¹ Sections 296.44(6) and 429.901(1), F.S.

⁸² Florida Dep't of Veterans' Affairs, *supra* note 27.

⁸³ Section 296.47(1), F.S.

⁸⁴ Section 296.47(2), F.S.

⁸⁵ Section 296.47(3), F.S., establishes an order of priority given to veterans for admittance into the program.

⁸⁶ Dep't of Highway Safety and Motor Vehicle, *HB 49 Agency Legislative Bill Analysis* (Dec. 16, 2024) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁸⁷ The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁸⁸

To establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁸⁹

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁹⁰

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁹¹ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁹²

The 2020 Legislature created the Gadsden Flag specialty license plate.⁹³ The license plate bears the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Don't Tread on Me" appears at the bottom of the plate.⁹⁴

The annual use fees from the specialty license plate are to be distributed to the Florida Veterans Foundation, a direct-support organization of the FDVA and used to benefit veterans. Up to 10 percent of the proceeds may be used for continuing promotion and marketing of the plate.⁹⁵

⁸⁷ Section 320.08056, F.S.

⁸⁸ Section 320.08058, F.S.

⁸⁹ Chapter 2022-189, Laws of Fla., extended the presale by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but has not recorded 3,000 voucher sales.

⁹⁰ Section 320.08053(2)(b), F.S.

⁹¹ Section 320.08056(10)(a), F.S.

⁹² Section 320.08062, F.S.

⁹³ Ch. 2020-181, Laws of Fla.

⁹⁴ Section 320.08058(92)(a), F.S.

⁹⁵ Section 320.08058(92)(b), F.S.

III. Effect of Proposed Changes:

Florida Veterans' Hall of Fame

The bill amends s. 265.003, F.S., to reduce the number of persons the Council may transmit to the Governor and the Cabinet to be considered for induction into the Florida Veterans Hall of Fame (FVHF). Currently up to 20 nominees may be transmitted by the Council. The bill reduces that number to up to five nominees.

Department of Veterans' Affairs Duties

The bill amends s. 292.05, F.S., revising the duties of the Florida Department of Veterans' Affairs (FDVA) by expanding the scope of an ongoing study on the needs of Florida residents who are veterans of the Armed Forces of the United States and their spouses and dependents. The bill requires that the survey evaluates the extent to which the resident veterans and their spouses and dependents are aware of existing federal, state, or local programs or services that meet their areas of needs. The bill also requires the FDVA to include recommendations regarding increasing public awareness using administrative or legislative options. The bill appropriates \$50,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund for this purpose.

The bill directs the FDVA to ensure coordination with the U.S. Department of Defense to directly engage servicemembers who are returning home to Florida, whether those servicemembers are remaining in or moving to the state, following their service and during reentry into civilian life.⁹⁶ Such engagement includes connecting those servicemembers with Veterans Florida and other resources which may support with the reintegration process. The bill authorizes the FDVA to engage county and city veteran service officers⁹⁷ for assistance in connecting servicemembers with reintegration resources. The FDVA is directed to include actions taken to implement its engagement with the servicemembers in the annual report to the Governor, the Cabinet, and the Legislature.

In the annual report to the Governor, the Cabinet, and the Legislature, due on December 31, 2025, the FDVA is required to:

- Include its evaluation of health literacy among Florida veterans; and
- Make recommendations to increase veteran knowledge of available programs and services and to maximize veteran use of those resources.

Veteran Suicide Prevention Training Pilot Program

The bill amends s. 292.115, F.S., expanding the type of training to be provided to the FDVA claims examiners and county and city veteran service officers⁹⁸ under the Veteran Suicide

⁹⁶ The Florida Dep't of Veterans' Affairs currently connects transitioning servicemembers with the U.S. Dep't of Defense through programs like SkillBridge, utilizing Florida is for Veterans, Inc., as a means for this engagement. See Florida Dep't of Veterans Affairs, *supra* note 27, at 2 and 5.

⁹⁷ Section 292.11, F.S., describes county and city veteran service officers.

⁹⁸ Section 292.11, F.S.

Prevention Training Pilot Program. The bill requires that participants in the pilot program be trained to recognize indicators of elevated mental health conditions.

The bill requires the FDVA to contract with an organization with a proven practice of veteran-relevant mental health training to develop the curriculum for the training under the pilot program.

The bill appropriates \$300,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund to implement the Veteran Suicide Prevention Training Pilot Program.

State Approving Agency for Veterans' Education and Training

The bill amends s. 295.124, F.S., to update the federal law reference for the designation of the state approving agency for purposes of veterans' education and training. The updated reference is 38 U.S.C. s. 3671.⁹⁹

Florida is for Veterans, Inc.

The bill amends s. 295.21, F.S., expanding the duties of Veterans Florida to include advising the FDVA on the difficulties or needs of retired or recently separated military personnel and their spouses which Veterans Florida has knowledge of and which may be within the purview of the FDVA.¹⁰⁰

Florida Defense Support

The bill amends s. 295.22, F.S., removing obsolete language by correcting a provisional cross-reference. The bill removes the reference to the Florida Defense Support Task Force and revises Veterans Florida's collaborators of the Veterans Employment and Training Services Program¹⁰¹ to include the direct-support organization established by the Department of Commerce.¹⁰²

Veterans' Adult Day Health Care

The bill amends s. 296.43, F.S., requiring the FDVA to develop a statewide plan to establish adult day health care facilities across Florida to serve veterans and their families. The bill requires the FDVA to include in the plan:

- Recommendations for locations that will have the greatest impact on veteran populations. In making such recommendations, the FDVA must provide an evaluation of data, including, but not limited to, veteran population and veteran population demographics, in addition to providing an assessment of anticipated veteran needs.
- Potential state and federal participation.
- Estimates for the daily cost of running the facilities.

⁹⁹ 38 U.S.C. s. 3671 (2021). See United States Code available at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section1771&num=0&edition=prelim> (last visited Feb. 9, 2025).

¹⁰⁰ See s. 295.21 (2), F.S. According to the Florida Dep't of Veterans' Affairs, the bill codifies into law the Florida is for Veterans, Inc., advisory role, *supra* note 29 at 2.

¹⁰¹ See s. 292.22(1), F.S.

¹⁰² Section 288.987, F.S.

- Estimates for the daily cost of maintenance and general upkeep of the facilities.
- Location of existing potential infrastructure.
- Potential construction costs.

The bill directs the FDVA to provide a report detailing the plan to the President of the Senate and the Speaker of the House of Representatives by November 1, 2025.

Gadsden Flag License Plate

The bill amends s. 320.08058, F.S., to authorize that up to 10 percent of the proceeds from the sale of the Gadsden Flag license plate may be used by the Florida Veterans Foundation for administrative costs in addition to the promotion and marketing of the specialty license plate.

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:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Veterans Affairs (FDVA) estimates that expanding the scope of the survey of the needs of veterans and their spouses and dependents in the areas of social services, health care, education, and employment, and any other areas of determined need by evaluating the extent to which such persons are aware of existing federal, state, or community programs or services that meet their areas of need may require an additional \$50,000 in funding.¹⁰³ The bill appropriates \$50,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund for this purpose.

The FDVA estimates that continuing to implement the Veteran Suicide Prevention Training Pilot Program, with specialized mental health training to recognize indicators of elevated mental health conditions, will require \$300,000 in annual funding.¹⁰⁴ The bill appropriates \$300,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund to implement the Veteran Suicide Prevention Training Pilot Program.

If the state decides to establish adult day health care facilities, it would have a significant negative fiscal impact on state expenditures. The federal government does not currently provide matching funds for adult day health care facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 265.003, 292.05, 292.115, 295.124, 295.21, 295.22, 296.43, and 320.08058.

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 Health and Human Services on March 5, 2025:

The committee substitute:

For Fiscal Year 2025-2026, the bill appropriates \$300,000 in nonrecurring funds from the General Revenue Fund to implement the Veteran Suicide Prevention Training Pilot Program and \$50,000 in nonrecurring funds from the General Revenue Fund for

¹⁰³ Email from Roy Clark, Director of Cabinet and Legislative Affairs, Florida Dep't of Veterans' Affairs, to Jay Howard, Appropriations Subcommittee on Health and Human Services, Florida Senate (February 12, 2025)(on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁰⁴ Id.

expanding the scope of an ongoing study on the needs of Florida residents who are veterans of the Armed Forces of the United States and their spouses and dependents.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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. .
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. .
. .

House

The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 94 - 136

and insert:

(b) ~~The report must also describe~~ The actions taken by the department in implementing subsections (4), (5), ~~and (7)~~, and (8) and includes include other information and recommendations as the department determines are necessary to provide information on its annual activities ~~requires~~.

(c) ~~(b)~~ The current status of the department's domiciliary and nursing homes established pursuant to chapter 296, including



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12 all receipts and expenditures, the condition of the homes, the
13 number of residents received and discharged during the preceding
14 year, occupancy rates, staffing, and any other information
15 necessary to provide an understanding of the management,
16 conduct, and operation of the homes.

17 (d) For the report due on December 31, 2025, an evaluation
18 by the department among veterans in this state on the level of
19 health literacy and any recommendations to increase veteran
20 knowledge of available programs and services and maximize their
21 use of such resources.

22 (8) The department shall ensure coordination to the
23 greatest extent possible with the United States Department of
24 Defense to directly engage all servicemembers returning home to,
25 or electing to remain in or move to, this state following their
26 service and during re-entry into civilian life, including
27 connecting them with Florida Is For Veterans, Inc., and other
28 relevant resources. The department may engage county and city
29 veteran service officers for assistance with fulfilling this
30 duty.

31 Section 3. Subsections (1) and (2) of section 292.115,
32 Florida Statutes, are amended to read:

33 292.115 Veteran Suicide Prevention Training Pilot Program.—

34 (1) The Department of Veterans' Affairs shall establish the
35 Veteran Suicide Prevention Training Pilot Program. The purpose
36 of the pilot program is to offer to each Department of Veterans'
37 Affairs claims examiner and each county and city veteran service
38 officer, as described in s. 292.11, specialized mental health
39 training and certification in the prevention of veteran suicide.

40 (2) Individuals electing to participate in the pilot



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41 program must be trained to identify indicators of mental health
42 conditions and elevated suicide risk and provide emergency
43 crisis referrals for veterans expressing or exhibiting symptoms
44 of emotional or psychological distress. The Department of
45 Veterans' Affairs shall contract with an organization having
46 proven experience developing and implementing veteran-relevant
47 and evidence-based mental health assistance and suicide
48 prevention training to

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete lines 31 - 34

53 and insert:

54 mental health conditions; requiring the department to
55 contract with an organization developing and
56 implementing veteran-relevant and evidence-based
57 mental health assistance; amending s. 295.124, F.S.;

By the Appropriations Committee on Health and Human Services;
and Senators Burgess and Collins

603-02140-25

2025116c1

1 A bill to be entitled
2 An act relating to veterans; amending s. 265.003,
3 F.S.; revising the maximum number of nominees for the
4 Florida Veterans' Hall of Fame submitted by the
5 Florida Veterans' Hall of Fame Council to the
6 Department of Veterans' Affairs for submission to the
7 Governor and the Cabinet; amending s. 292.05, F.S.;
8 requiring the Department of Veterans' Affairs to
9 conduct a study that includes a survey evaluating the
10 extent to which specified persons are aware of certain
11 existing programs or services; requiring that such
12 survey also include specified recommendations;
13 requiring that a certain report include additional
14 actions taken by the Department of Veterans' Affairs
15 and other information and recommendations as the
16 department determines are necessary; requiring that a
17 specified report include an evaluation of the health
18 literacy of veterans in this state and recommendations
19 on how to increase knowledge of programs and services
20 available to such veterans; requiring the department
21 to ensure coordination to the greatest extent possible
22 with the United States Department of Defense for a
23 specified purpose; authorizing the Department of
24 Veterans' Affairs to engage county and city veteran
25 service officers for assistance; amending s. 292.115,
26 F.S.; revising the purpose of the Veteran Suicide
27 Prevention Training Pilot Program to include
28 specialized mental health training; requiring
29 individuals electing to participate in the pilot

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30 program to be trained to identify indicators of
31 elevated mental health risk; requiring the department
32 to contract with an organization developing and
33 implementing veteran-relevant and evidence-based
34 mental health training; amending s. 295.124, F.S.;
35 revising a reference to the United States Code;
36 amending s. 295.21, F.S.; requiring Florida Is For
37 Veterans, Inc., to advise the Department of Veterans'
38 Affairs on specified problems or needs of certain
39 military personnel and their spouses; amending s.
40 295.22, F.S.; revising the collaborators of the
41 Veterans Employment and Training Services Program to
42 include a specified direct-support organization;
43 amending s. 296.43, F.S.; requiring the Department of
44 Veterans' Affairs to develop a plan to establish adult
45 day health care facilities across this state to serve
46 veterans and their families; requiring that such plans
47 include specified information; requiring the
48 department to provide a specified report to the
49 Legislature by a specified date; amending s.
50 320.08058, F.S.; authorizing the use of a specified
51 percentage of proceeds from the sale of a specified
52 specialty license plate for the promotion and
53 administrative costs of the plate; providing
54 appropriations; providing an effective date.

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

58 Section 1. Paragraph (a) of subsection (4) of section

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59 265.003, Florida Statutes, is amended to read:

60 265.003 Florida Veterans' Hall of Fame.—

61 (4) (a) The Florida Veterans' Hall of Fame Council shall
62 annually accept nominations of persons to be considered for
63 induction into the Florida Veterans' Hall of Fame and shall
64 transmit a list of up to 5 ~~20~~ nominees to the Department of
65 Veterans' Affairs for submission to the Governor and the
66 Cabinet, who will select the nominees to be inducted.

67 Section 2. Paragraph (b) of subsection (5) and subsection
68 (6) of section 292.05, Florida Statutes, are amended, and
69 subsection (8) is added to that section, to read:

70 292.05 Duties of Department of Veterans' Affairs.—

71 (5) The department shall conduct an ongoing study on the
72 problems and needs of those residents of this state who are
73 veterans of the Armed Forces of the United States and the
74 problems and needs of their spouses and dependents. The study
75 shall include, but not be limited to:

76 (b) A survey of the needs of such persons in the areas of
77 social services, health care, education, and employment, and any
78 other areas of determined need, with recommendations regarding
79 federal, state, and community services that would meet those
80 needs. The survey must also evaluate the extent to which such
81 persons are aware of existing federal, state, or community
82 programs or services that meet their areas of need, with
83 recommendations regarding increasing public awareness using
84 administrative or legislative options.

85 (6) The department shall, by December 31 of each year,
86 submit an annual written report to the Governor, the Cabinet,
87 and the Legislature which describes:

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88 (a) The expenses incurred in veteran service work in the
89 state; the number, nature, and kind of cases handled by the
90 department and by county and city veteran service officers of
91 the state; the amounts of benefits obtained for veterans; the
92 names and addresses of all certified veteran service officers,
93 including county and city veteran service officers.

94 (b) The report must ~~also~~ describe the actions taken by the
95 department in implementing subsections (4), (5), ~~and~~ (7), and
96 (8) and include other information and recommendations as the
97 department ~~determines are necessary to provide information on~~
98 its annual activities ~~requires~~.

99 (c) ~~(b)~~ The current status of the department's domiciliary
100 and nursing homes established pursuant to chapter 296, including
101 all receipts and expenditures, the condition of the homes, the
102 number of residents received and discharged during the preceding
103 year, occupancy rates, staffing, and any other information
104 necessary to provide an understanding of the management,
105 conduct, and operation of the homes.

106 (d) For the report due on December 31, 2025, an evaluation
107 by the department among veterans in this state on the level of
108 health literacy and any recommendations to increase veteran
109 knowledge of available programs and services and maximize their
110 use of such resources.

111 (8) The department shall ensure coordination to the
112 greatest extent possible with the United States Department of
113 Defense to directly engage all servicemembers returning home to,
114 or electing to remain in or move to, this state following their
115 service and during re-entry into civilian life, including
116 connecting them with Florida Is For Veterans, Inc., and other

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117 relevant resources. The department may engage county and city
 118 veteran service officers for assistance with fulfilling this
 119 duty.

120 Section 3. Subsections (1) and (2) of section 292.115,
 121 Florida Statutes, are amended to read:

122 292.115 Veteran Suicide Prevention Training Pilot Program.—

123 (1) The Department of Veterans' Affairs shall establish the
 124 Veteran Suicide Prevention Training Pilot Program. The purpose
 125 of the pilot program is to offer to each Department of Veterans'
 126 Affairs claims examiner and each county and city veteran service
 127 officer, as described in s. 292.11, specialized mental health
 128 training and certification in the prevention of veteran suicide.

129 (2) Individuals electing to participate in the pilot
 130 program must be trained to identify indicators of elevated
 131 mental health or suicide risk and provide emergency crisis
 132 referrals for veterans expressing or exhibiting symptoms of
 133 emotional or psychological distress. The Department of Veterans'
 134 Affairs shall contract with an organization having proven
 135 experience developing and implementing veteran-relevant and
 136 evidence-based mental health and suicide prevention training to
 137 develop the curriculum for such training. The department shall
 138 establish and oversee the process for certifying program
 139 participants who successfully complete such training.

140 Section 4. Section 295.124, Florida Statutes, is amended to
 141 read:

142 295.124 State approving agency for veterans' education and
 143 training.—The Department of Veterans' Affairs shall act as the
 144 state approving agency for purposes of veterans' education and
 145 training, in accordance with 38 U.S.C. s. 3671 ~~38 U.S.C. s. 1771~~

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146 and the applicable annual contract between the state and the
 147 Federal Government.

148 Section 5. Paragraph (h) is added to subsection (3) of
 149 section 295.21, Florida Statutes, to read:

150 295.21 Florida Is For Veterans, Inc.—

151 (3) DUTIES.—The corporation shall:

152 (h) Advise the Department of Veterans' Affairs on any
 153 problems or needs of retired and recently separated military
 154 personnel of this state and any problems or needs of their
 155 spouses which the corporation has knowledge of and which may be
 156 within the purview of the department in fulfilling its duties.

157 Section 6. Paragraph (c) of subsection (5) of section
 158 295.22, Florida Statutes, is amended to read:

159 295.22 Veterans Employment and Training Services Program.—

160 (5) COLLABORATION.—

161 (c) The corporation may collaborate with other state
 162 agencies and entities for outreach, information exchange,
 163 marketing, and referrals regarding programs and initiatives that
 164 include, but are not limited to, the program created by this
 165 section and those within any of the following:

166 1. The Department of Veterans' Affairs:

167 a. Access to benefits and assistance programs.

168 b. Hope Navigators Program.

169 2. The Department of Commerce:

170 a. The Disabled Veteran Outreach Program and local veteran
 171 employment representatives.

172 b. CareerSource Florida, Inc., and local workforce boards
 173 employment and recruitment services.

174 c. The Quick-Response Training Program.

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175 d. Efforts of the direct-support organization Florida
 176 ~~Defense Support Task Force~~ created under s. 288.987, the Florida
 177 Small Business Development Center Network, and the direct
 178 support organization established in s. 288.012(6).

179 3. The Department of Business and Professional Regulation,
 180 reciprocity and the availability of certain license and fee
 181 waivers.

182 4. The Department of Education:

183 a. CAPE industry certifications under s. 1008.44.

184 b. Information related to earning postsecondary credit at
 185 public postsecondary educational institutions for college-level
 186 training and education acquired in the military under s.
 187 1004.096.

188 5. The Department of Health:

189 a. The Office of Veteran Licensure Services.

190 b. The Florida Veterans Application for Licensure Online
 191 Response expedited licensing.

192 6. The Office of Reimagining Education and Career Help.

193 Section 7. Section 296.43, Florida Statutes, is amended to
 194 read:

195 296.43 Purpose and statewide plan.-

196 (1) PURPOSE.-The purpose of this part is to provide for the
 197 establishment of basic standards for the operation of veterans'
 198 adult day health care programs for eligible veterans in need of
 199 such services.

200 (2) STATEWIDE PLAN.-The department shall develop a plan to
 201 establish adult day health care facilities across this state to
 202 serve veterans and their families.

203 (a) The plan must include:

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204 1. Recommendations for locations that will have the most
 205 impact on the veteran population. In making such
 206 recommendations, the department shall:

207 a. Provide an evaluation of data, including, but not
 208 limited to, veteran population and veteran population
 209 demographics.

210 b. Provide an assessment of anticipated veteran needs.

211 2. Potential state and federal participation.

212 3. Estimates for the daily cost of running the facilities.

213 4. Estimates for the daily cost of maintenance and general
 214 upkeep of the facilities.

215 5. Location of existing potential infrastructure.

216 6. Potential construction costs.

217 (b) The department shall provide a report detailing the
 218 plan required by this subsection to the President of the Senate
 219 and the Speaker of the House of Representatives by November 1,
 220 2025.

221 Section 8. Subsection (92) of section 320.08058, Florida
 222 Statutes, is amended to read:

223 320.08058 Specialty license plates.-

224 (92) GADSDEN FLAG LICENSE PLATES.-

225 (a) The department shall develop a Gadsden Flag license
 226 plate as provided in this section and s. 320.08053. The design
 227 of the license plate must replicate the color, layout, and
 228 design of the Gadsden Flag. The word "Florida" must appear at
 229 the top of the plate, and the words "Don't Tread on Me" must
 230 appear at the bottom of the plate.

231 (b) The annual use fees shall be distributed to the Florida
 232 Veterans Foundation, a direct-support organization of the

Page 8 of 9

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

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233 Department of Veterans' Affairs, and must be used to benefit
234 veterans. Up to 10 percent of the proceeds may be used for
235 ~~continuing~~ promotion and marketing of the license plate and for
236 administrative costs.

237 Section 9. For the 2025-2026 fiscal year, the sum of
238 \$50,000 in nonrecurring funds from the General Revenue Fund is
239 appropriated to the Department of Veterans' Affairs to conduct a
240 survey evaluating the extent to which resident veterans and
241 their spouses and dependents are aware of existing federal,
242 state, and local programs and services that meet their areas of
243 need and for the department to develop a plan to establish adult
244 day health care facilities across this state to serve veterans
245 and their families.

246 Section 10. For the 2025-2026 fiscal year, the sum of
247 \$300,000 in nonrecurring funds from the General Revenue Fund is
248 appropriated to the contracted services category to the
249 Department of Veterans' Affairs to implement the Veteran Suicide
250 Prevention Training Pilot Program, as amended by this act.

251 Section 11. 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 Rules

BILL: SB 118

INTRODUCER: Senator Brodeur and others

SUBJECT: Regulation of Presidential Libraries

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Hunter</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 118 preempts to the state all regulation of the establishment, maintenance, activities, and operations of any presidential library within its jurisdiction and defers regulation of such institutions to the Federal Government.

Presidential libraries are archives and museums that bring together the documents, historical materials, and artifacts of a United States President during their administration for public use including preservation, research, and visitation.¹

Under the bill, a local government may not enact or enforce any ordinance, resolution, rule, or other measure governing a presidential library or impose any requirement or restriction upon such libraries, except as otherwise authorized by federal law.

The bill defines a presidential library as an institution administered or designated under the federal Presidential Libraries Act.

The bill takes effect upon becoming a law.

II. Present Situation:

Presidential Libraries

Former United States Presidents and their supporters often seek to build facilities to commemorate and remember their time in office at the conclusion of a presidency with official presidential materials.² Presidential libraries are archives and museums that bring together the

¹ National Archives, *About Presidential Libraries*, available at <https://www.archives.gov/presidential-libraries/about> (last visited Feb. 15, 2025.)

² Congressional Research Service, *Presidential Libraries and Museums*, 1 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

documents, historical materials, and artifacts of a President during their administration for public use including visitation, preservation, research, and discussion.

Presidential libraries and museums, including the holdings of documents and archives, belong to the American people.³ Under the Presidential Records Act (PRA)⁴ “Presidential records created on or after January 20, 1981, are subject to the requirements of and are the property of the United States.”⁵ At the end of a presidency, all presidential records and materials are transferred to the National Archives and Records Administration (NARA). As such, presidential records are the responsibility of the National Archivist of the United States (Archivist)⁶ who must maintain custody, control, preservation, and access to the records.⁷

Originally, presidential records and all historical materials were considered private property, and presidents could donate any such documents to institutions on their own accord for public display.⁸ However, in 1939 President Franklin Roosevelt donated his personal and presidential records to the Federal Government, beginning the Presidential library system.⁹

In 1955, the U.S. Congress passed the Presidential Libraries Act (PLA) which established a system of privately constructed and federally maintained libraries.¹⁰ Presidential library lands and facilities are under the purview of the Archivist. While the PRA requires presidential records to be archived, and the Act provides a system for establishing presidential libraries, federal law does not require construction of a new and separate presidential library for each presidency.¹¹

The PLA allows the Archivist, when it is in the public interest, to accept and take title to land, a facility, and equipment offered as a gift to the United States for the purpose of creating a presidential library.¹² The PLA also allows the Archivist to “maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository¹³ and as part of the national archives system”¹⁴

The Archivist may also “make agreements for land and facilities with a state, political subdivision, university, institution of higher learning, institute, or foundation or other

³ National Archives, *About Presidential Libraries*, available at <https://www.archives.gov/presidential-libraries/about> (last visited Feb. 15, 2025.)

⁴ Pub. L. 95-591, 44 U.S.C. §§2201-2209

⁵ *Id.*

⁶ The National Archivist of the United States is the head of the National Archives and Records Administration.

⁷ *Id.*

⁸ Congressional Research Service, *Presidential Libraries and Museums*, 1 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

⁹ National Archives, *Laws and Regulations*, available at <https://www.archives.gov/presidential-records/laws-and-regulations> (last visited Feb 15, 2025.)

¹⁰ *Id.*

¹¹ Congressional Research Service, *Presidential Libraries and Museums*, 1 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

¹² Pub. L. No. 99-323, amending SEC. 3. (a) Section 2112(a) of title 44, United States Code

¹³ Presidential libraries are referred to as an "archival depository" in the Presidential Libraries Act. The terms are used interchangeably

¹⁴ *Id.*

organization to use as a Presidential archival depository, to be made available by it without transfer of title to the United States.”¹⁵

Additionally, the Archivist is responsible for promulgating architectural and design standards to ensure the preservation of records, and that the building contains adequate research facilities.¹⁶ This includes federal requirements relating to protection against water damage, security requirements, humidity ranges, and other federally required construction standards.¹⁷

The Act was substantially amended in 1986.¹⁸ There was a growing concern for the cost of libraries to taxpayers, and the amendments in 1986 shifted the financial burden from taxpayers to endowed funds, organizations, and foundations.¹⁹ These private organizations, often referred to as presidential library foundations, financially support construction and maintenance of the libraries and financially support exhibitions in the libraries. Each presidential library has a unique relationship with the presidential foundation that supports the facility through agreements negotiated with the federal government. Presidential libraries are not constructed with the use of federal funds but are maintained, staffed, and operated by the national archives.²⁰

Presidential foundations, the former president, and the Archivist consult on the placement and hiring of a director for the chosen facility before materials are deposited in the library. However, the final placement of presidential libraries has historically rested with the former president and their supporters, and according to the National Archives and Records Administration (NARA), “Presidents have often acknowledged their origins by placing their Libraries in their hometowns. However, in some cases Presidents place their Libraries on or near a university campus.”²¹

There are 13 presidential libraries in the national archives system, placed in 10 states across the country. Currently 4 of the 13 libraries are associated with a university system.²² The map below depicts the current placement of presidential libraries in the United States.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Congressional Research Service, *Presidential Libraries and Museums*, 2 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

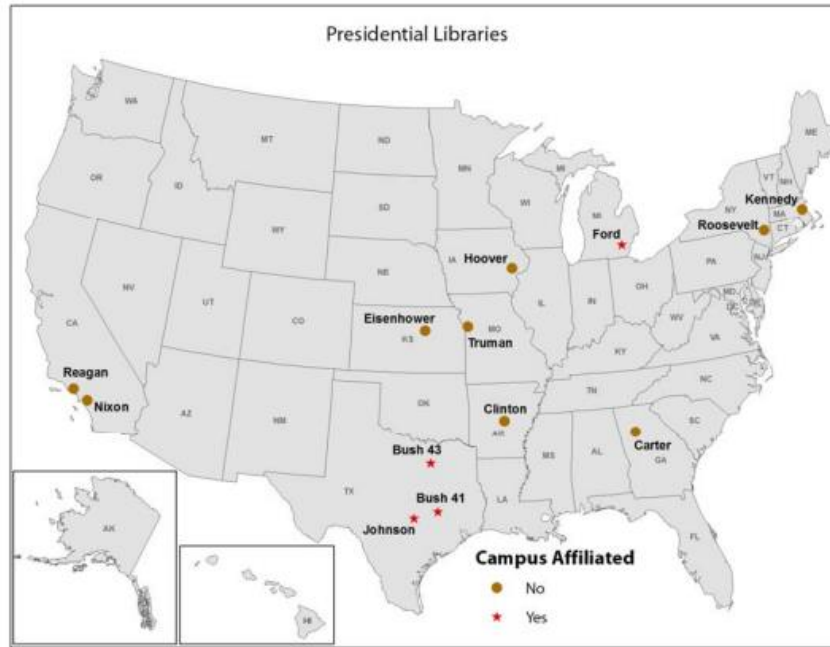
¹⁸ Pub. L. No. 99-323

¹⁹ Congressional Research Service, *Presidential Libraries and Museums*, supra note at 1.

²⁰ Congressional Research Service, *The Presidential Libraries Act and the Establishment of Presidential Libraries*, February 2015, available at <https://sgp.fas.org/crs/secretary/R41513.pdf> (last visited Feb. 13, 2025)

²¹ Congressional Research Service, *Presidential Libraries and Museums*, 2 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

²² The NARA system currently includes the library depositories of 13 former Presidents: (1) *Herbert Hoover (West Branch, IA)*; (2) *Franklin D. Roosevelt (Hyde Park, NY)*; (3) *Harry Truman (Independence, MO)*; (4) *Dwight D. Eisenhower (Abilene, KS)*; (5) *John F. Kennedy (Boston, MA)*; (6) *Lyndon B. Johnson (Austin, TX)*; (7) *Richard Nixon (Yorba Linda, CA)*; (8) *Gerald Ford (Ann Arbor, MI)*; (9) *Jimmy Carter (Atlanta, GA)*; (10) *Ronald Reagan (Simi Valley, CA)*; (11) *George H. W. Bush (College Station, TX)*; (12) *Bill Clinton (Little Rock, AR)*; and (13) *George W. Bush (Dallas, TX)*. It also includes the collections of former Presidents Barack Obama and Donald Trump.



Source: Mapping completed by the Congressional Research Service (CRS) using ArcGIS software.

Notes: The Lyndon Baines Johnson Library and Museum is affiliated with the University of Texas at Austin. The Gerald R. Ford Library and Museum is affiliated with the University of Michigan. The George Bush Presidential Library is affiliated with Texas A&M University. The George W. Bush Library is affiliated with Southern Methodist University.

Prior to accepting and taking title to any land, facility, or equipment, or prior to entering into any agreement, including a change, the archivist shall submit a written report on the proposed presidential library to the President of the United States Senate and the Speaker of the United States House of Representatives.²³ Congress has a period of 60 days from the day the report is transmitted to approve or disapprove of a proposed presidential library.²⁴

President Barack Obama’s Presidential Library has begun construction in Chicago, Illinois, and is set to open in 2026. The law doesn’t provide a particular timeline for the announcement of the placement or construction of presidential libraries, so it is unknown where or when libraries may be established for President Donald Trump or President Joe Biden.

Local Government Authority

The Florida Constitution grants local governments home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.²⁵ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.²⁶ Likewise, municipalities have those governmental, corporate, and proprietary powers

²³ *Id.*

²⁴ *Id.*

²⁵ FLA. CONST. art. VIII, s. 1(f).

²⁶ FLA. CONST. art. VIII, s. 1(g).

that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.²⁷

Other local government entities also have statutory authority to operate in the state as well, and the term “political subdivision” is defined as all local governments “including counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in the state.”²⁸

Special districts are separate governmental entities created for a special purpose that have jurisdiction to operate within a limited geographic boundary.²⁹ Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.³⁰

Local Government Approval of Development

All development, both public and private, and all development orders³¹ approved by local governments must be consistent with the local government’s comprehensive plan.³² The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.³³

A comprehensive plan is implemented through the adoption of land development regulations³⁴ that are consistent with the plan, and which contain specific and detailed provisions necessary to regulate the subdivision of land and the use of land in the comprehensive plan.³⁵ Land development regulations are passed through local ordinances and resolutions that govern the establishment, and often the maintenance, and operation of certain development as well.

A locality’s comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments including libraries.

As it relates to the siting of presidential libraries, the PLA allows a political subdivision to make agreements upon terms and conditions with the federal government, that the Archivist considers proper, for the use of land or facilities.³⁶ The PLA also allows for the Archivist to accept land and facilities in the name of the United States offered as a gift for the use of a presidential

²⁷ FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

²⁸ Section 1.01(8) F.S.

²⁹ Section 189.012(6), F.S.

³⁰ *Id.*

³¹ “Development order” means any order granting, denying, or granting with conditions an application for a development permit. *See* s. 163.3164(15), F.S. “Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. *See* s. 163.3164(16), F.S.

³² Section 163.3194(3), F.S.

³³ Section 163.3167(2), F.S.

³⁴ “Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. [163.3213](#). *See* s. 163.3164(26), F.S.

³⁵ *Id.*

³⁶ Pub. L. No. 99-323

library,³⁷ which could potentially be incongruous with the comprehensive plan of a local government. If a local government entered into an agreement with the federal government regarding siting of a presidential library or the Archivist has accepted land for use as a presidential library, a comprehensive plan amendment may be necessary. This is because local development and zoning regulations, including comprehensive plans, do not apply to activities of the United States government under the Supremacy Clause of the United States Constitution.³⁸

Local Government Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.³⁹

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.⁴⁰ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.⁴¹ In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.⁴²

In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.⁴³ In one case, the court stated that implied preemption “is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.”⁴⁴ Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.⁴⁵ Implied preemption is found where the local legislation would present the danger of conflict with the state’s pervasive regulatory scheme.⁴⁶

³⁷ *Id.*

³⁸ U.S. Const. art VI, cl. 2. The Supremacy Clause holds that the Constitution, and the Laws of the United States made under the Authority of the United States are the supreme law of the land, superseding anything in the constitution or laws in the states to the contrary, including local government home rule power.

³⁹ See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, Fla. B.J. 92 (June 2009) available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Feb. 13, 2025).

⁴⁰ See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

⁴¹ *Mulligan*, 934 So. 2d at 1243.

⁴² *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010). Examples of activities “expressly preempted to the state” include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.

⁴³ See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁴⁴ *Phantom of Clearwater, Inc.*, 894 So. 2d at 1019.

⁴⁵ *Id.*

⁴⁶ *Sarasota Alliance for Fair Elections, Inc.*, 28 So. 3d at 886.

III. Effect of Proposed Changes:

Section 1 creates s. 257.51 F.S., to preempt to the state all regulation of the establishment, maintenance, activities, and operations of any presidential library within its jurisdiction and defers regulation of such institutions to the Federal Government.

The bill provides a legislative finding that presidential libraries are unique national institutions designated to house, preserve, and make accessible the records of former presidents.

The bill defines “presidential library” to mean an institution administered or designated under the Presidential Libraries Act, as amended, Pub. L. No. 99-323, established for the preservation and accessibility of presidential records and related historical materials.

The bill’s express preemption states that a county, a municipality, or another political subdivision of this state may not enact or enforce any ordinance, resolution, rule, or other measure governing the establishment, maintenance, or operation of a presidential library or impose any requirement or restriction thereon, except as otherwise authorized by federal law.

Section 2 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that this bill may help a presidential library be placed in Florida due to less local government control on its establishment, the bill could produce positive fiscal impacts due to construction and tourism.

C. Government Sector Impact:

To the extent that this bill may help a presidential library be placed in Florida local governments and the state may see an increase in tax collections due to tourism, however the effect is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 257.51 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 Brodeur

10-00328-25

2025118__

1 A bill to be entitled
 2 An act relating to regulation of presidential
 3 libraries; creating s. 257.51, F.S.; providing
 4 legislative findings; preempting to the state all
 5 regulatory authority over the establishment,
 6 maintenance, activities, and operations of
 7 presidential libraries; deferring such regulatory
 8 authority to the Federal Government; defining the term
 9 "presidential library"; prohibiting counties,
 10 municipalities, or other political subdivisions from
 11 enacting or enforcing any ordinance, resolution, rule,
 12 or other measure regarding presidential libraries
 13 unless authorized by federal law; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 257.51, Florida Statutes, is created to
 19 read:

20 257.51 Preemption of regulation of presidential libraries.-

21 (1) The Legislature finds that presidential libraries are
 22 unique national institutions designated to house, preserve, and
 23 make accessible the records of former presidents. This section
 24 preempts to the state all regulation of the establishment,
 25 maintenance, activities, and operations of any presidential
 26 library within its jurisdiction and defers regulation of such
 27 institutions to the Federal Government.

28 (2) As used in this section, the term "presidential
 29 library" means an institution administered or designated under

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30 the Presidential Libraries Act, as amended, Pub. L. No. 99-323,
 31 established for the preservation and accessibility of
 32 presidential records and related historical materials.
 33 (3) A county, a municipality, or another political
 34 subdivision of this state may not enact or enforce any
 35 ordinance, resolution, rule, or other measure governing the
 36 establishment, maintenance, or operation of a presidential
 37 library or impose any requirement or restriction thereon, except
 38 as otherwise authorized by federal law.
 39 Section 2. This act shall take effect upon becoming a law.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 126

INTRODUCER: Commerce and Tourism Committee and Senator Bradley

SUBJECT: Prescription Hearing Aids

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	<u>Favorable</u>
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>Smith</u>	<u>Yeatman</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 126 authorizes licensed hearing aid specialists or licensed audiologists to sell and distribute prescription hearing aids through the mail to consumers who are 18 years of age or older.

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

II. Present Situation:

Hearing Aids

Federal Regulations

The Food and Drug Administration (FDA) Reauthorization Act of 2017 (FDARA), s. 709,¹ directed the FDA to establish a category of over-the-counter (OTC) hearing aids through rulemaking and set forth various requirements for OTC hearing aids, including defining general controls for reasonable assurance of safety and effectiveness, as well as Federal preemption provisions.

¹21 U.S.C. 301, Food and Drug Administration Reauthorization Act of 1917, s. 709, *Regulation of Over-The-Counter Hearing Aids*, available at <https://www.congress.gov/115/plaws/publ52/PLAW-115publ52.pdf> (last visited Feb. 28, 2025).

On August 17, 2022, the FDA finalized a rule revising 21 C.F.R. 800,² 801,³ and 874.⁴ The FDA's new rule establishes a new category for OTC hearing aids. An OTC hearing aid is an air-conduction hearing aid that does not require implantation or other surgical intervention and is intended for use by a person aged 18 or older to compensate for perceived mild to moderate hearing impairment. The device, through tools, tests, or software, allows the user to control the hearing aid and customize it to the user's hearing needs. The device may use wireless technology or may include tests for self-assessment of hearing loss.

The device is available OTC, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online, provided that the device satisfies the requirements for consumers with "perceived mild to moderate hearing impairment" who wish to buy lower cost hearing aids not bundled with professional services and not requiring professional advice, fitting, adjustment, or maintenance. The rule became effective on October 16, 2022.⁵

The FDA rule includes provisions for simplified labeling, output limits, maximum insertion depth, and conditions for sale and distribution for both OTC and prescription hearing aids. The rule prohibits states from requiring the order, involvement, or intervention of a licensed person for consumers to access OTC hearing aids; a licensed person may service, market, sell, dispense, provide customer support for, or distribute OTC hearing aids.

Florida Regulations

In Florida, there are currently 1,289 licensed hearing aid specialists, and 1,654 licensed audiologists.⁶ In 2023, Florida's practice acts for hearing aid specialists and audiologists were amended to distinguish between prescription hearing aids and OTC hearing aids to conform to the new FDA rules.⁷ Under Florida law, prescription hearing aids are dispensed by hearing aid specialists and audiologists who are subject to the Department of Health (DOH) regulation under the Board of Hearing Aid Specialist (BHAS) and Board of Speech-Language Pathology and Audiology (BSLPA).⁸ Selling or distributing prescription hearing aids through the mail to the ultimate consumer is unlawful and is punishable as a misdemeanor of the second degree.⁹

Scope of Practice

Florida law defines the scope of practice for hearing aid specialists and audiologists and specifies the procedures which each health care practitioner is authorized to perform. Both hearing aid

² 21 CFR 800.30, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-800#800.30> (last visited Mar. 4, 2025).

³ 21 CFR 801.60 - 63, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-801/subpart-C> (last visited Mar. 4, 2025).

⁴ 21 CFR 874.5300 available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-874/subpart-F/section-874.5300> (last visited Mar. 4, 2025).

⁵ 21 CFR 800.30, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-800#800.30> (last visited Mar. 4, 2025).

⁶ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan, 2023 - 2024*, available at <https://mqawebteam.com/annualreports/2324/> (last visited Mar. 4, 2025).

⁷ Laws of Fla. 2023-71.

⁸ See Part II, ch. 484, and Part I, ch. 468, F.S., respectively.

⁹ Sections 468.1265 and 484.054, F.S.

specialists and audiologists may provide services through telehealth within this state.¹⁰ Out-of-state hearing aid specialists and audiologists may register to provide services through telehealth to patients located in this state.¹¹

Hearing Aid Specialists

Under s. 484.041, F.S., hearing aid specialists may dispense prescription hearing aids. Dispensing prescription hearing aids includes conducting and interpreting hearing tests for purposes of selecting suitable hearing aids, making earmolds or ear impressions for the fitting of hearing aids, and providing appropriate counseling regarding a suitable hearing aid device. This also includes all acts pertaining to the selling, renting, leasing, pricing, delivery, and warranty of hearing aids.¹²

Hearing aid specialists are licensed and regulated by the BHAS.¹³ Licensure for a hearing aid specialist is in accordance with s. 484.045, F.S., and includes the following requirements:

- Graduation of an accredited high school or its equivalent;
- Meeting one of the qualifying methods:
 - Completing a Florida sponsored training program;
 - Having a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing¹⁴ in such capacity for at least 12 months; or
 - Is currently certified by the National Board for Certification in Hearing Instrument Sciences (NBC-HIS) and has been actively practicing for at least 12 months.
- Has successfully completed:
 - International Licensing Examination (ILE); or
 - Active certification from the National Board for Certification in Hearing Instrument Sciences (NBC-HIS).
- Completion of a two-hour course relating to Florida laws and rules taught by an instructor approved by the BHAS.

Effective July 1, 2025, an applicant for licensure must also submit to a background screening test in accordance with s. 456.0135, F.S.

Audiologists

The practice of audiology includes the application of principles, methods, and procedures for the prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, treatment, and research, relative to hearing and the disorders of hearing, and to related language and speech disorders.¹⁵ Licensed audiologists may offer, render, plan, direct, conduct, consult, or supervise services to individuals or groups of individuals who have or are suspected of having disorders of hearing, including prevention, identification, evaluation, treatment, consultation,

¹⁰ Section 456.47, F.S.

¹¹ *Id.*

¹² Section 484.041(3)(a), F.S.

¹³ Section 484.042, F.S.

¹⁴ See Fla. Admin. Code R. 64B6-2.002 (2025), which defines “actively practicing” as dispensing hearing aids directly to clients for at least 12 months, as shown by at least two sales receipts per month for at least 12 months, each receipt bearing the applicant’s signature and address of place(s) of business.

¹⁵ Section 468.1125(6)(a), F.S.

habilitation, rehabilitation, instruction, and research.¹⁶ This includes the fitting and dispensing of hearing aids. They may also provide the following:

- Participate in hearing conservation, evaluation of noise environment, and noise control;
- Conduct and interpret tests of vestibular function and nystagmus, electrophysiologic auditory-evoked potentials, central auditory function, and calibration of measurement equipment used for such purposes;
- Habilitate and rehabilitate, including, but not limited to, hearing aid evaluation, prescription, preparation, fitting and dispensing, assistive listening device selection and orientation, auditory training, aural habilitation, aural rehabilitation, speech conservation, and speechreading;
- Fabricate earmolds;
- Evaluate tinnitus; and
- Conduct speech and language screening, limited to a pass-fail determination for identifying individuals with disorders of communication.¹⁷

Audiologists are licensed and regulated by the BSLPA.¹⁸ Licensure for audiologists includes, among other requirements, the following:

- Submission of an application and all required fees.
- A doctoral degree with a major emphasis in audiology and:
 - Applicants who have earned a doctoral degree from an approved program before January 1, 2008, must complete 60 semester hours, 24 of which must be in audiology.¹⁹
 - Applicants who earned a doctoral degree from an approved program after January 1, 2008, must complete 75 semester hours.
 - 300 clock hours of supervised experience (clinical practicum) with at least 200 hours in the area of audiology.
- Eleven months of supervised clinical experience. This requirement may be met if the applicant holds a doctoral degree, meets the requirements of s. 468.1155, F.S., and can demonstrate one year of clinical work experience within the doctoral program.
- Applicants for licensure as an audiologist with a master's degree conferred before January 1, 2008, must document that, prior to licensure, the applicant completed one year of clinical work experience.
- Passing the licensure examination no more than three years prior to the date of the application.²⁰

Effective July 1, 2025, an applicant for licensure must also submit to a background screening test in accordance with s. 456.0135, F.S.

¹⁶ Section 468.1125(6)(b), F.S.

¹⁷ *Id.*

¹⁸ Section 468.1135, F.S.

¹⁹ Section 468.1155, F.S.

²⁰ Section 468.1185, F.S. and Fla. Admin. Code R. 64B20-2.005 (2022) The BSDPA has designated the Educational Testing Services Praxis Series Examination in Speech-Language Pathology or Audiology as the licensure examination.

*Minimal Procedures and Equipment*²¹

Florida law requires hearing aid specialists, and audiologists only when indicated, to perform all of the following procedures to be used in the fitting and selling of prescription hearing aids:

- Pure tone audiometric testing by air and bone to determine the type and degree of hearing deficiency.
- Effective masking.
- Appropriate testing to determine speech reception thresholds, speech discrimination scores, the most comfortable listening levels, uncomfortable loudness levels, and the selection of the best fitting arrangement for maximum hearing aid benefit.

A wide range audiometer that meets the specifications of the American National Standards Institute for diagnostic audiometers, and a speech audiometer or a master hearing aid must be used by hearing aid specialists, and audiologists only when indicated, in the fitting and selling of prescription hearing aids.

A hearing aid specialist must make a final fitting ensuring physical and operational comfort of the prescription hearing aid. An audiologist must make such a final fitting only when indicated.

Each audiometric test must be made in a testing room that has been certified by the DOH and meets certain requirements established in statute and rule. However, this requirement may be waived by a client who has been provided written notice of the benefits and advantages of having the test conducted in a certified testing room.

III. Effect of Proposed Changes:

The bill provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed audiologist. The prescription hearing aids may not be activated unless the audiologist has prescribed them. If prescribed, the audiologist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

The bill provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed hearing aid specialist. The prescription hearing aids must not be activated unless the hearing aid specialist has determined that the patient should be fitted for prescription hearing aids. If that determination is made, the hearing aid specialist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

The bill establishes that any person who sells or distributes prescription hearing aids through the mail to the ultimate consumer commits a misdemeanor of the second degree.

The bill takes effect July 1, 2025.

²¹ Sections 468.1225 and 484.0501, F.S. See also Fla. Admin. Code R. 64B6-6, 64B20-8, and 64B20-9.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

To implement the bill, the Department of Health would need to develop a communication plan to ensure compliance and operational readiness. The department anticipates that this would include updating websites and the Artificial Intelligence chatbot, notifying stakeholder groups, and communicating the statutory changes to staff through training.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²² Department of Health, Senate Bill 126 Legislative Analysis (Feb. 11, 2025) (on file with the Senate Committee on Health Policy).

VIII. Statutes Affected:

This bill substantially amends sections 468.1265 and 484.054 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 Commerce and Tourism on March 3, 2024:

The committee substitute provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed audiologist. The prescription hearing aids may not be activated unless the audiologist has prescribed them. If prescribed, the audiologist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

The committee substitute also provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed hearing aid specialist. The prescription hearing aids must not be activated unless the hearing aid specialist has determined that the patient should be fitted for prescription hearing aids. If that determination is made, the hearing aid specialist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

Except in the above instances, any person who sells or distributes prescription hearing aids through the mail to the ultimate consumer commits a misdemeanor of the second degree.

B. Amendments:

None.

By the Committee on Commerce and Tourism; and Senator Bradley

577-02092-25

2025126c1

1 A bill to be entitled
 2 An act relating to prescription hearing aids; amending
 3 ss. 468.1265 and 484.054, F.S.; authorizing the
 4 distribution of prescription hearing aids through the
 5 mail to patients 18 years of age or older before a
 6 scheduled telehealth appointment with a Florida-
 7 licensed audiologist or hearing aid specialist,
 8 respectively, if certain requirements are met;
 9 authorizing the sale of prescription hearing aids
 10 through the mail to patients 18 years of age or older
 11 who have been fitted for such hearing aids by a
 12 licensed audiologist or licensed hearing aid
 13 specialist, respectively; providing an effective date.

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

16 Section 1. Section 468.1265, Florida Statutes, is amended
 17 to read:

18 468.1265 Sale or distribution of prescription hearing aids
 19 through mail; penalty.—

20 (1) Except as provided in subsection (2) and in s.
 21 484.054(2), it is unlawful for a ~~any~~ person to sell or
 22 distribute prescription hearing aids through the mail to the
 23 ultimate consumer. A ~~Any~~ person who violates this subsection
 24 ~~section~~ commits a misdemeanor of the second degree, punishable
 25 as provided in s. 775.082 or s. 775.083.

26 (2) (a) Prescription hearing aids may be distributed through
 27 the mail to a patient who is 18 years of age or older before the
 28 patient's scheduled telehealth appointment with an audiologist
 29

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

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30 licensed under this part. The prescription hearing aids may not
 31 be activated unless the audiologist has prescribed them. If the
 32 audiologist prescribes prescription hearing aids to the patient,
 33 the audiologist must conduct a fitting during the telehealth
 34 appointment or a subsequent appointment to ensure the physical
 35 and operational comfort of the prescription hearing aids.

36 (b) Prescription hearing aids may be sold through the mail
 37 to a patient who is 18 years of age or older who has been fitted
 38 for those prescription hearing aids by an audiologist licensed
 39 under this part.

40 Section 2. Section 484.054, Florida Statutes, is amended to
 41 read:

42 484.054 Sale or distribution of prescription hearing aids
 43 through mail; penalty.—

44 (1) Except as provided in subsection (2) and in s.
 45 468.1265(2), it is unlawful for a ~~any~~ person to sell or
 46 distribute prescription hearing aids through the mail to the
 47 ultimate consumer. A person who violates this subsection commits
 48 ~~Any violation of this section constitutes~~ a misdemeanor of the
 49 second degree, punishable as provided in s. 775.082 or s.
 50 775.083.

51 (2) (a) Prescription hearing aids may be distributed through
 52 the mail to a patient who is 18 years of age or older before the
 53 patient's scheduled telehealth appointment with a hearing aid
 54 specialist licensed under this part. The prescription hearing
 55 aids may not be activated unless the hearing aid specialist has
 56 determined that the patient should be fitted for prescription
 57 hearing aids. If the hearing aid specialist makes that
 58 determination, the hearing aid specialist must conduct a fitting

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59 during the telehealth appointment or a subsequent appointment to
60 ensure the physical and operational comfort of the prescription
61 hearing aids.

62 (b) Prescription hearing aids may be sold through the mail
63 to a patient who is 18 years of age or older who has been fitted
64 for those prescription hearing aids by a hearing aid specialist
65 licensed under this part.

66 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 Rules

BILL: CS/SB 150

INTRODUCER: Criminal Justice Committee; Senators Gaetz and Arrington

SUBJECT: Abandoning Restrained Animals During Natural Disasters

DATE: March 11, 2025

REVISED: 2/28/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Favorable
3.	<u>Cellon</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 150 amends s. 828.13, F.S., to create a new offense of animal cruelty for abandoning an animal by using a restraint on the animal and leaving it restrained outside during a natural disaster. The offense is a third degree felony.^{1,2}

The bill defines the terms “natural disaster” and “restraint.”

The bill names the act “Trooper’s Law.”

The bill has a positive indeterminate impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

¹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082, F.S. and 775.083, F.S.

² As is the case with other animal cruelty offenses, the bill provides for the possibility of a fine that may be elevated above the typical fine. For example, the third degree felony fine is generally up to \$5,000 but this new offense provides for a fine up to \$10,000. Sections 775.082(3) F.S., 775.083(1)(g), F.S., and 820.13, F.S.

II. Present Situation:

Dog Rescued by Florida Highway Patrol Trooper Tied Up During Hurricane Milton

Hurricane Milton struck the state in early October 2024. During the storm, a Florida Highway Patrol trooper discovered a dog tied to a fence off I-75 surrounded by rising water. The dog, now named Trooper, was rescued and taken to the Tallahassee Humane Society, where he was subsequently adopted. This bill addresses that situation.³

General Animal Cruelty Statutes

Section 828.12(1), F.S., provides first degree misdemeanor penalties⁴ for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or
- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of s. 828.12, F.S., may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.⁵

Section 828.12(2), F.S., specifies that a person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree.⁶

Also, s. 828.13(2)(a), (b), and (c) F.S., provide that a person commits a first degree misdemeanor⁷ if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased;

³ Tallahassee Democrat, *Trooper, abandoned amid Hurricane Milton and sent to Leon County, finds 'fur-ever' home*, December 2, 2024, Kyla A. Sanford, available at <https://www.tallahassee.com/story/news/local/2024/12/02/trooper-dog-abandoned-amid-hurricane-milton-finds-fur-ever-home-leon-county-humane-society/76709656007/> (last visited February 28, 2025).

⁴ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, F.S., and 775.083, F.S. However, a violation of s. 828.12(1), F.S., may result in a fine of up to \$5,000. Section 828.12(1), F.S.

⁵ Section 828.12(6), F.S.

⁶ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. However, a violation of s. 828.12(2), F.S., may result in a fine of up to \$10,000. Sections 775.082(3) F.S., 775.083(1)(g), F.S., and 828.12(2), F.S.

⁷ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, F.S., and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.082, 775.083, and 828.13(2), F.S.

Section 828.13(3), F.S., prohibits a person who is the owner or possessor or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal which is punishable as a misdemeanor of the first degree.⁸

Section 828.13(1)(a), F.S., defines the term “abandon” to mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner. The term “owner” is defined as any owner, custodian, or other person in charge of an animal.

Emergency Powers, Disaster Preparedness

Section 252.36, F.S., specifies that in the event of an emergency beyond local control, the Governor may assume direct operational control over all or any part of the emergency management functions within this state and is authorized to delegate such powers as she or he may deem prudent. The Governor has declared a state of emergency for various weather related conditions, including numerous hurricanes.⁹

Section 252.3568, F.S., provides, in accordance with s. 252.35, F.S.,¹⁰ the Division of Emergency Management within the Executive Office of the Governor (Division) must address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and must include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services and the Department of Education must assist the division in determining strategies regarding this activity.

If a county maintains designated shelters, it must also designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

III. Effect of Proposed Changes:

The bill creates a third degree felony¹¹ animal cruelty offense in s. 812.13, F.S., for abandoning an animal by using a restraint on the animal and leaving it restrained outside during a natural disaster.

The bill defines the following terms:

⁸ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, F.S., and 775.083, F.S. However, a violation of s. 828.13(3), F.S., may result in a fine of up to \$5,000. Sections 775.082, and 775.083, F.S. and 828.13(3), F.S..

⁹ See Fla. Exec. Order No. 24-215 (October 5, 2024), available at, <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-24-215-1.pdf> (Last visited February 28, 2025).

¹⁰ Section 252.35, F.S., relates to Emergency management powers and the Division of Emergency Management.

¹¹ The third degree felony is punishable by up to 5 years imprisonment, and in these cases up to a \$10,000 fine. Sections 775.082(3) F.S., 775.083(1)(g), F.S., and 828.13(4).

- “Natural disaster” means a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or in which a municipality or county is under a mandatory or voluntary evacuation order.
- “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

The bill names the act “Trooper’s Law.”

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has a positive indeterminate impact due to the penalties provided in the bill. It is unknown how many offenses of animal cruelty have taken place during a declared emergency, and therefore the prison bed impact cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12

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 Criminal Justice on February 11, 2025:

The committee substitute:

- Creates an animal cruelty offense in s. 828.13, F.S., for abandoning an animal by using a restraint on the animal and leaving it restrained outside during a natural disaster.
- It defines the terms “natural disaster” and “restraint”.
- The CS names the act “Trooper’s Law”.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Gaetz

591-01944-25

2025150c1

1 A bill to be entitled
 2 An act relating to abandoning restrained animals
 3 during natural disasters; providing a short title;
 4 amending s. 828.13, F.S.; defining terms; prohibiting
 5 the abandonment of an animal that is restrained
 6 outside during a natural disaster; providing criminal
 7 penalties; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. This act may be cited as "Trooper's Law."
 12 Section 2. Section 828.13, Florida Statutes, is amended to
 13 read:
 14 828.13 Confinement of animals without sufficient food,
 15 water, or exercise; abandonment of animals.—
 16 (1) As used in this section:
 17 (a) "Abandon" means to forsake an animal entirely or to
 18 neglect or refuse to provide or perform the legal obligations
 19 for care and support of an animal by its owner.
 20 (b) "Natural disaster" means a situation in which a
 21 hurricane, tropical storm, or tornado warning has been issued
 22 for a municipality or a county by the National Weather Service,
 23 or in which a municipality or county is under a mandatory or
 24 voluntary evacuation order.
 25 (c) "Owner" includes any owner, custodian, or other person
 26 in charge of an animal.
 27 (d) "Restraint" means a chain, rope, tether, leash, cable,
 28 or other device that attaches an animal to a stationary object
 29 or trolley system.

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

591-01944-25

2025150c1

30 (2) A person who ~~Whoever~~:
 31 (a) Impounds or confines any animal in any place and fails
 32 to supply the animal during such confinement with a sufficient
 33 quantity of good and wholesome food and water,
 34 (b) Keeps any animals in any enclosure without wholesome
 35 exercise and change of air, or
 36 (c) Abandons to die any animal that is maimed, sick,
 37 infirm, or diseased,
 38
 39 ~~commits is guilty of~~ a misdemeanor of the first degree,
 40 punishable as provided in s. 775.082 or by a fine of not more
 41 than \$5,000, or ~~by both imprisonment and a fine.~~
 42 (3) A ~~Any~~ person who is the owner or possessor, or has
 43 charge or custody, of any animal who abandons such animal to
 44 suffer injury or malnutrition or abandons any animal in a
 45 street, road, or public place without providing for the care,
 46 sustenance, protection, and shelter of such animal commits is
 47 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 48 provided in s. 775.082 or by a fine of not more than \$5,000, or
 49 ~~by both imprisonment and a fine.~~
 50 (4) A person who abandons an animal by using a restraint on
 51 the animal and leaving that animal restrained outside during a
 52 natural disaster commits a felony of the third degree,
 53 punishable as provided in s. 775.082 or by a fine of not more
 54 than \$10,000, or both.
 55 Section 3. This act shall take effect October 1, 2025.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 160

INTRODUCER: Regulated Industries Committee; Senator Gruters and others

SUBJECT: Public Accountancy

DATE: March 11, 2025

REVISED: 3/5/25

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 160 revises the regulation of certified public accountants (CPAs) by the Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (department).

The bill allows the board to, by a majority vote, delegate duties to the appropriate division within the department, and to further provide that the board may delegate duties by contract pursuant to corporations not for profit organized before 2024 under ch. 617, F.S.

The bill revises the requirements for licensure of CPAs, including licensure by endorsement and of international applicants, by providing four separate pathways to qualify for a license based on education and work experience criteria. Effective January 1, 2026, a person may qualify for a CPA license if he or she:

- Complete at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board, and have one year of work experience;
- Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board, and have one year of work experience;
- Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board, and have two years of work experience; or

- Hold a baccalaureate degree in any major course of study conferred by an accredited college or university, have completed coursework required for a concentration in accounting and business as prescribed by the board, and have two years of work experience.

In addition, the bill requires the board to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the board.

The bill revises the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination.

Effective January 1, 2026, the bill revises the requirements for the licensure of international applicants. The bill provides the following two pathways for licensure by applicants who hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined:

- The license standards are equal to those in the United States and who have passed an examination pursuant to s. 473.306(5), F.S.; or
- Have not met the licensure standards but meets the Florida requirements for education, work experience, and good moral character and have passed the Uniform CPA exam.

Regarding continuing education, the bill requires the continuing education requirement to be administered by reputable providers determined and provided by the board. The board must give preference to corporations not for profit organized under ch. 617, F.S., that are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and that demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of CPAs in this state.

Effective January 1, 2026, the bill permits, a person who holds an active license in good standing in another state or territory to practice limited accountancy services, such as tax advisory services or consulting services that do not require the expression of an opinion or an attestation, by showing evidence to the board of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination.

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

The bill takes effect July 1, 2025, except as expressly provided.

II. Present Situation:

Certified Public Accountants

The Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (department) is responsible for regulating and licensing of nearly 35,667 active certified public accountants (CPAs) in Florida.¹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.²

A CPA is an individual who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.³

Section 473.302(8), F.S., defines the practice of public accounting to include offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements. To engage in the practice of public accounting,⁴ an individual or firm must be licensed pursuant to s. 473.308, F.S., or s. 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

CPA Licensing

Section 473.308, F.S., provides licensing requirements for CPAs. To be licensed as a CPA, a person must be of good moral character, pass the licensure exam, and have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university with a concentration in accounting and business in the total education program to the extent specified by the board.⁵

An applicant for a CPA license must also have at least one year of work experience.⁶ If the applicant completed the education requirements by December 31, 2008, and passed the licensure examination on or before December 31, 2010, he or she was exempt from the work experience requirement.

An applicant must also have good moral character.⁷ Section 473.308(7)(a), F.S., defines “good moral character” to mean “a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.”

¹ Department of Business and Professional Regulation, *Fiscal Year 2023-2024 Annual Report*, page 20, (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

² Section 473.303, F.S.

³ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁴ Section 473.302(8), F.S., defines the terms “practice of,” “practicing public accountancy,” and “public accounting.”

⁵ Sections 473.308(2)-(4), F.S.

⁶ Sections 473.308(5), F.S.

⁷ Sections 473.308(6) and (7), F.S.

CPA licenses must be renewed on a biennial basis through procedures adopted by the DBPR.⁸

Licensure by Endorsement

Section 473.308(8), F.S., provides for licensure of certified public accountants by endorsement.

The board may certify for licensure by endorsement an applicant who:

- Is not licensed in another state or territory, and:
 - Meets the requirements for education, work experience, and good moral character; and
 - Passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.;⁹
- Holds a valid license to practice public accounting in another state or territory, and has satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued;
- If the licensing criteria was not substantially equivalent to Florida's, has met the education, work experience, good moral character requirements, and has passed a national, regional, state or territorial licensing examination with examination criteria that was substantially equivalent to the examination criteria required in Florida; or¹⁰
- Has a valid license in another state or territory for at least 10 years before applying for a license in Florida, has passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state, and has met the good moral character requirement.¹¹

Section 473.08(9), F.S., provides that the board may issue a licensure by endorsement and waive education requirements that exceed a baccalaureate degree if the applicant has:

- At least five years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States; or
- At least five years of work experience that meets the requirements of s. 473.08(5), F.S.

The work experience that is used as a basis for waiving the education requirements of s. 473.08(4), F.S., must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy¹² has determined has licensure standards that are substantially equivalent to those in the United States.

⁸ Section 473.311(2), F.S.

⁹ Section 473.308(8)(a), F.S.

¹⁰ Section 473.308(7)(b), F.S.

¹¹ Section 473.308(7)(c), F.S.

¹² The National Association of State Boards of Accountancy is a forum for the 55 State Boards of Accountancy, which administer the Uniform CPA Examination. See National Association of State Boards of Accountancy, *About Us*, at <https://nasba.org/about/> (last visited February 18, 2025).

Continuing Education

As a part of the license renewal procedure, CPAs are required to submit proof satisfactory to the board that, during the two years prior to the application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.¹³ The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the two-year period.¹⁴

Not less than 10 percent of the total continuing education hours required by the board shall be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.¹⁵

Not less than five percent of the continuing education must be in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S., relating to the regulations of businesses and professions, ch. 473, F.S., and the related administrative rules. This requirement must be administered by providers approved by the board.¹⁶

CPA Mobility

Section 473.3141, F.S., provides what is known as “CPA mobility” or practice mobility for CPAs.¹⁷ CPA mobility permits a CPA in another state who is not licensed in Florida, but is licensed in another state, to perform limited accounting services in Florida without obtaining a Florida license, notifying or registering with the board, or paying a fee.

An out-of-state CPA is not required to be licensed in Florida to provide accounting services from outside the state. The types of accounting services that may be provided are limited to the services in ss. 473.302(8)(b) and (c), F.S. If the CPA provides the types of services described in s. 473.302(8)(a), F.S., the CPA must first obtain a Florida license. For example, under practice mobility, the out-of-state CPA could provide tax advisory services or consulting services in Florida from out-of-state, but he or she could not provide the types of services that require the expression of an opinion or an attestation. Section 473.3141, F.S., requires that an individual who provides accountancy services that require the expression of an opinion must obtain a firm license from the board as required by s. 473.3101, F.S.

Certified public accountants in another state who practice in Florida under practice mobility consent, as a condition for the privilege, to the personal and subject matter jurisdiction and disciplinary authority of the board. They also must comply with ch. 473, F.S., and the applicable board rules.

¹³ Section 473.312(1)(a), F.S.

¹⁴ *Id.*

¹⁵ Section 473.312(1)(b), F.S.

¹⁶ Section 473.312(1)(c), F.S.

¹⁷ Florida Institute of Certified Public Accountants, *What is CPA Mobility?*, available at: <https://www.ficpa.org/mobility> (last visited February 12, 2025).

Section 473.3141(1), F.S., provides the following minimum requirements for CPAs in other states who may practice accountancy in Florida through practice mobility. The individual must:

- Hold a valid CPA license in another state that the board has determined has adopted standards that are substantially equivalent to the certificate requirements in the Uniform Accountancy Act; and
- Have satisfied license qualifications that are substantially equivalent to the license qualifications in the Uniform Accountancy Act.

Under current law, the CPA mobility provision does not apply to CPAs who are licensed in the territories of the United States.¹⁸

International Applicants

Section 473.306(5), F.S., authorizes the board to adopt an alternative licensure examination for persons who have been licensed to practice public accountancy or its equivalent in a foreign country so long as the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has ratified an agreement with that country for reciprocal licensure.

III. Effect of Proposed Changes:

Purpose of Chapter 473, F.S.

The bill amends s. 473.301, F.S., which states the legislative purpose for the regulation of the practice of public accountancy, to revise the term “public accountants” to “certified public accountants” (CPAs).

Definition

The bill amends s. 473.302, F.S., to delete the definition of the term “Uniform Accountancy Act.”¹⁹ The bill deletes all references to “Uniform Accountancy Act” in ch. 473, F.S.

Division of Certified Public Accounting

The bill amends s. 473.3035(1), F.S., which provides that the Florida Board of Accountancy (board) may, by a majority vote, delegate a duty or duties to the appropriate division within the Department of Business and Professional Regulation (department), to further provide that the board may delegate duties by contract pursuant to part I of ch. 287, F.S.,²⁰ for the performance of such duties by corporations not for profit organized before 2024 under ch. 617, F.S.²¹

¹⁸ The territories of the United States include American Samoa, Guam, Republic of the Marshall Islands, Federated States of Micronesia, Commonwealth of the Northern Mariana Islands, Republic of Palau, Puerto Rico, and the U.S. Virgin Islands. See U.S. Department of the Interior, *Insular Areas of the United States and Freely Associated States*, available at: <https://www.doi.gov/library/internet/insular> (last visited February 12, 2025).

¹⁹ Section 473.302(9), F.S., defines the term “Uniform Accountancy Act” to mean the Uniform Accountancy Act, Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

²⁰ Part I of ch. 287, F.S., relates to the state’s procurement of commodities, insurance, and contractual services.

²¹ Chapter 617, F.S., relates to corporations not for profit.

Licensure

Education

The bill, effective January 1, 2026, amends s. 473.308, F.S., to revise the requirements for licensure of CPA, including licensure by endorsement and of international applicants.

Effective July 1, 2026, the bill amends s. 473.308(4), F.S., to revise the education requirements for a CPA license by providing four separate pathways to qualify for a license. A person may qualify for a CPA license if they:

- Complete at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board;
- Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board;
- Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board; or
- Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the board.

In addition, the bill requires the board to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States.

If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the board.

Work Experience

Effective January 1, 2026, the bill also amends s. 473.308(5), F.S., to require a CPA license applicant to have at least one year of work experience if the applicant education requirement is based on:

- Having completed at least 150 semester hours of college education, including a baccalaureate or higher degree, with a concentration in accounting and business; or
- Holding a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business.

Under the bill, a CPA license applicant must have at least two years of work experience if the applicant education requirement is based on holding:

- A baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board; or
- A baccalaureate degree in any major course of study conferred by an accredited college or university and having completed coursework required for a concentration in accounting and business as prescribed by the board.

The bill also amends s. 473.308(5), F.S., to delete the work experience exception for applicants who completed the education requirements by December 31, 2008, and passed the licensure examination on or before December 31, 2010.

Licensure by Endorsement

Effective January 1, 2026, the bill amends s. 473.308(7), F.S., to revise the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination.

The bill deletes provisions allowing a person to be licensed if he or she holds a valid license in another state or territory and has met the requirements of the section for education, work experience, good moral character, and passed a national, regional, state, or territorial licensing examination substantially equivalent to s. 473.306, F.S. It also deletes the provisions allowing a person to be licensed if they had been licensed in another jurisdiction for 10 years.

International Applicants

Effective January 1, 2026, the bill amends s. 473.308(8), F.S., to revise the requirements for the licensure of international applicants to. The bill provides the following two pathways for licensure by applicants who hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined:

- The licensure standards are equal to those in the United States and who have passed an examination pursuant to s. 473.306(5), F.S.; or
- Have not met the licensure standards but meets the Florida requirements for education, work experience, and good moral character and have passed the Uniform CPA exam.

Continuing Education

The bill amends s. 473.312(1)(c), F.S., to require the continuing education requirement to be administered by reputable providers to be determined and provided by the board. The bill requires the board to give preference to corporations not for profit organized under ch. 617, F.S., who are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and who demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of CPAs in this state.

The bill republishes s. 473.311(1)(b), F.S., relating to the renewal of a nonresident CPA license, to incorporate the amendment in the bill to s. 473.312, F.S., relating to continuing education requirements.

CPA Mobility

The bill amends s. 473.3141(1) and (3), F.S., to revise the requirements for CPA mobility. Effective January 1, 2026, a person who holds an active license in good standing in another state or territory can qualify for CPA mobility by evidence to the board of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination.

Cross-reference Correction

The bill amends s. 473.306(3)(a), F.S., relating to examinations, to correct a cross-reference to the license requirements in s. 473.308, F.S., as revised by the bill.

Effective Date

The bill takes effect July 1, 2025, except as expressly 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 Department of Business and Professional Regulation (department) may incur an indeterminate increase in costs related to contracting delegated duties to certain authorized corporations; however, it's expected that any contract costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 473.301, 473.302, 473.3035, 473.306, 473.308, 473.312, 473.3141, and 473.311.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Regulated Industries on February 18, 2025:**

The committee substitute:

- Changes the effective date from July 1, 2026 to January 1, 2026, for the sections of the bill amending s. 473.306, F.S., relating to examinations, s. 473.308, F.S., relating to licensure, and s. 473.3141, F.S., relating to certified public accountants (CPAs) licensed in other states.
- Amends s. 473.308, F.S., to revise the requirements for licensure of international applicants by providing a pathway for licensure applicants whose country has licensing standards that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined are equal to those in the United States and who have passed an examination, and provides a pathway for applicants whose country has not met those standards but meets the Florida requirements for education, work experience, and good moral character and have passed the Uniform CPA exam.
- Deletes new s. 473.3085, F.S., relating to the licensure of international applicants.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senators Gruters
and Boyd

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1 A bill to be entitled
2 An act relating to public accountancy; amending s.
3 473.301, F.S.; making a technical change regarding the
4 purpose of ch. 473, F.S.; amending s. 473.302, F.S.;
5 deleting the definition of the term "Uniform
6 Accountancy Act"; amending s. 473.3035, F.S.;
7 authorizing the Board of Accountancy to contract with
8 certain corporations not for profit for the
9 performance of certain duties assigned to the Division
10 of Certified Public Accounting of the Department of
11 Business and Professional Regulation; amending s.
12 473.306, F.S.; conforming a cross-reference; making a
13 technical change; amending s. 473.308, F.S.; revising
14 the education and work experience requirements for a
15 certified public accountant license; directing the
16 board to prescribe specified coursework for licensure;
17 revising requirements for licensure by endorsement;
18 revising requirements for licensure of international
19 applicants; deleting obsolete language; amending s.
20 473.312, F.S.; revising requirements for the approval
21 of providers who administer continuing education on
22 ethics for certified public accountants; requiring the
23 board to give preference to certain providers;
24 amending s. 473.3141, F.S.; revising requirements for
25 certified public accountants licensed in another state
26 or a territory of the United States to practice in
27 this state without obtaining a license; reenacting s.
28 473.311(1)(b), F.S., relating to renewal of license,
29 to incorporate the amendment made to s. 473.312, F.S.,

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30 in references thereto; providing effective dates.
31
32 Be It Enacted by the Legislature of the State of Florida:
33
34 Section 1. Section 473.301, Florida Statutes, is amended to
35 read:
36 473.301 Purpose.—The Legislature recognizes that there is a
37 public need for independent and objective certified public
38 accountants and that it is necessary to regulate the practice of
39 public accounting to assure the minimum competence of
40 practitioners and the accuracy of audit statements upon which
41 the public relies and to protect the public from dishonest
42 practitioners and, therefore, deems it necessary in the interest
43 of public welfare to regulate the practice of public accountancy
44 in this state.
45 Section 2. Subsection (9) of section 473.302, Florida
46 Statutes, is amended to read:
47 473.302 Definitions.—As used in this chapter, the term:
48 ~~(9) "Uniform Accountancy Act" means the Uniform Accountancy~~
49 ~~Act, Eighth Edition, dated January 2018 and published by the~~
50 ~~American Institute of Certified Public Accountants and the~~
51 ~~National Association of State Boards of Accountancy.~~
52
53 However, these terms shall not include services provided by the
54 American Institute of Certified Public Accountants or the
55 Florida Institute of Certified Public Accountants, or any full
56 service association of certified public accounting firms whose
57 plans of administration have been approved by the board, to
58 their members or services performed by these entities in

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59 reviewing the services provided to the public by members of
60 these entities.

61 Section 3. Subsection (1) of section 473.3035, Florida
62 Statutes, is amended to read:

63 473.3035 Division of Certified Public Accounting.—

64 (1) All services concerning this chapter, including, but
65 not limited to, recordkeeping services, examination services,
66 legal services, and investigative services, and those services
67 in chapter 455 necessary to perform the duties of this chapter
68 are assigned to shall be provided by the Division of Certified
69 Public Accounting. The board may, by majority vote, delegate
70 such a duty or duties to the appropriate division within the
71 department or contract pursuant to part I of chapter 287 for the
72 performance of such duties by corporations not for profit
73 organized before 2024 under chapter 617. The board may, by
74 majority vote, rescind any such delegation of duties at any
75 time.

76 Section 4. Effective January 1, 2026, subsection (3) of
77 section 473.306, Florida Statutes, is amended, and subsection
78 (4) of that section is republished, to read:

79 473.306 Examinations.—

80 (3) An applicant is entitled to take the licensure
81 examination to practice in this state as a certified public
82 accountant if:

83 (a) The applicant has completed 120 semester hours or 180
84 quarter hours from an accredited college or university with a
85 concentration in accounting and business ~~courses~~ as prescribed
86 ~~specified~~ by the board by rule; and

87 (b) The applicant shows that she or he has good moral

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88 character. For purposes of this paragraph, the term "good moral
89 character" has the same meaning as provided in s. 473.308(6)(a)
90 ~~s. 473.308(7)(a)~~. The board may refuse to allow an applicant to
91 take the licensure examination for failure to satisfy this
92 requirement if:

93 1. The board finds a reasonable relationship between the
94 lack of good moral character of the applicant and the
95 professional responsibilities of a certified public accountant;
96 and

97 2. The finding by the board of lack of good moral character
98 is supported by competent substantial evidence.

99
100 If an applicant is found pursuant to this paragraph to be
101 unqualified to take the licensure examination because of a lack
102 of good moral character, the board must ~~shall~~ furnish to the
103 applicant a statement containing the findings of the board, a
104 complete record of the evidence upon which the determination was
105 based, and a notice of the rights of the applicant to a
106 rehearing and appeal.

107 (4) The board shall have the authority to establish the
108 standards for determining and shall determine:

109 (a) What constitutes a passing grade for each subject or
110 part of the licensure examination;

111 (b) Which educational institutions, in addition to the
112 universities in the State University System of Florida, shall be
113 deemed to be accredited colleges or universities;

114 (c) What courses and number of hours constitute a major in
115 accounting; and

116 (d) What courses and number of hours constitute additional

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117 accounting courses acceptable under s. 473.308(4).

118 Section 5. Effective January 1, 2026, subsections (4)
119 through (10) of section 473.308, Florida Statutes, are amended
120 to read:

121 473.308 Licensure.—

122 (4)(a) An applicant for licensure must do at least one of
123 the following:

124 1. Complete ~~have~~ at least 150 semester hours of college
125 education, including a baccalaureate or higher degree conferred
126 by an accredited college or university, with a concentration in
127 accounting and business as prescribed by the board ~~in the total~~
128 ~~educational program to the extent specified by the board.~~

129 2. Hold a master's degree in accounting or finance
130 conferred by an accredited college or university with a
131 concentration in accounting and business as prescribed by the
132 board.

133 3. Hold a baccalaureate degree in accounting or finance
134 conferred by an accredited college or university with a
135 concentration in accounting and business as prescribed by the
136 board.

137 4. Hold a baccalaureate degree in any major course of study
138 conferred by an accredited college or university and have
139 completed coursework required for a concentration in accounting
140 and business as prescribed by the board.

141 (b) The board shall prescribe the coursework required for a
142 concentration in accounting and business. The board may deem an
143 applicant to have satisfied requirements for such coursework if
144 the applicant receives a baccalaureate or higher degree in
145 accounting or finance conferred by an accredited college or

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146 university in a state or territory of the United States. An
147 applicant receiving a baccalaureate or higher degree with a
148 major course of study other than accounting or finance must
149 complete the coursework required for a concentration in
150 accounting and business as prescribed by the board.

151 (5)(a) An applicant for licensure who completes the
152 education requirements under subparagraph (4)(a)1. or
153 subparagraph (4)(a)2. after December 31, 2008, must show that he
154 or she has had 1 year of work experience. An applicant who
155 completes the education requirements under subparagraph (4)(a)3.
156 or subparagraph (4)(a)4. must show 2 years of work experience.

157 (b) Such work ~~This~~ experience includes shall include
158 providing any type of service or advice involving the use of
159 accounting, attest, compilation, management advisory, financial
160 advisory, tax, or consulting skills, all of which must be
161 verified by a certified public accountant who is licensed by a
162 state or territory of the United States. This experience is
163 acceptable if it was gained through employment in government,
164 industry, academia, or public practice; constituted a
165 substantial part of the applicant's duties; and was verified by
166 a certified public accountant licensed by a state or territory
167 of the United States. The board shall adopt rules specifying
168 standards and providing for the review and approval of the work
169 experience required by this subsection ~~section~~.

170 ~~(b) However, an applicant who completed the requirements of~~
171 ~~subsection (4) on or before December 31, 2008, and who passes~~
172 ~~the licensure examination on or before June 30, 2010, is exempt~~
173 ~~from the requirements of this subsection.~~

174 (6)(a) An applicant for licensure must ~~shall~~ show that he

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175 ~~or she the applicant~~ has good moral character. For purposes of
176 this paragraph, the term

177 ~~(7)(a)~~ "good moral character" means a personal history of
178 honesty, fairness, and respect for the rights of others and for
179 the laws of this state and nation.

180 (b) The board may refuse to certify an applicant for
181 failure to satisfy this requirement if:

182 1. The board finds a reasonable relationship between the
183 lack of good moral character of the applicant and the
184 professional responsibilities of a certified public accountant;
185 and

186 2. The finding by the board of lack of good moral character
187 is supported by competent substantial evidence.

188 (c) When an applicant is found to be unqualified for a
189 license because of a lack of good moral character, the board
190 shall furnish to the applicant a statement containing the
191 findings of the board, a complete record of the evidence upon
192 which the determination was based, and a notice of the rights of
193 the applicant to a rehearing and appeal.

194 ~~(7)(8)~~ The board shall certify as qualified for a license
195 by endorsement an applicant who:

196 ~~(a) Is not licensed and has not been licensed in any state~~
197 ~~or territory and who has met the requirements of this section~~
198 ~~for education, work experience, and good moral character and has~~
199 ~~passed a national, regional, state, or territorial licensing~~
200 ~~examination that is substantially equivalent to the examination~~
201 ~~required by s. 473.306; or~~

202 ~~(b)1.~~ holds an active ~~a valid~~ license in good standing to
203 practice public accounting issued by another state or a

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204 territory of the United States, if the applicant has maintained
205 good moral character and, at the time of licensure by such other
206 state or territory, the applicant was required to show evidence
207 of having obtained at least a baccalaureate degree from an
208 accredited college or university and having passed the Uniform
209 CPA Examination criteria for issuance of such license were
210 substantially equivalent to the licensure criteria that existed
211 in this state at the time the license was issued;

212 ~~2. Holds a valid license to practice public accounting~~
213 ~~issued by another state or territory of the United States but~~
214 ~~the criteria for issuance of such license did not meet the~~
215 ~~requirements of subparagraph 1.; has met the requirements of~~
216 ~~this section for education, work experience, and good moral~~
217 ~~character; and has passed a national, regional, state, or~~
218 ~~territorial licensing examination that is substantially~~
219 ~~equivalent to the examination required by s. 473.306; or~~

220 ~~3. Holds a valid license to practice public accounting~~
221 ~~issued by another state or territory of the United States for at~~
222 ~~least 10 years before the date of application; has passed a~~
223 ~~national, regional, state, or territorial licensing examination~~
224 ~~that is substantially equivalent to the examination required by~~
225 ~~s. 473.306; and has met the requirements of this section for~~
226 ~~good moral character.~~

227 ~~(8)(9)~~ An international applicant who seeks licensure as a
228 certified public accountant in this state must do at least one
229 of the following:

230 (a) Hold an active license in good standing to ~~If the~~
231 ~~applicant has at least 5 years of experience in the practice of~~
232 ~~public accountancy in the United States or in the practice of~~

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233 ~~public accountancy or its equivalent in a foreign country that~~
 234 ~~the International Qualifications Appraisal Board of the National~~
 235 ~~Association of State Boards of Accountancy has determined has~~
 236 ~~licensure standards that are substantially equivalent to those~~
 237 ~~in the United States, or has at least 5 years of work experience~~
 238 ~~that meets the requirements of subsection (5), the board must~~
 239 ~~waive the requirements of subsection (4) which are in excess of~~
 240 ~~a baccalaureate degree. All experience that is used as a basis~~
 241 ~~for waiving the requirements of subsection (4) must be while~~
 242 ~~licensed as a certified public accountant by another state or~~
 243 ~~territory of the United States or while licensed in the practice~~
 244 ~~of public accounting, accountancy or its equivalent, in a~~
 245 ~~foreign country that the International Qualifications Appraisal~~
 246 ~~Board of the National Association of State Boards of Accountancy~~
 247 ~~has determined has licensure standards equal that are~~
 248 ~~substantially equivalent to those in the United States and has~~
 249 ~~passed an exam pursuant to s. 473.306(5).~~

250 (b) Hold an active license in good standing to practice
 251 public accounting, or its equivalent, in a foreign country that
 252 the International Qualifications Appraisal Board of the National
 253 Association of State Boards of Accountancy has not determined
 254 has licensure standards equal to those in the United States and
 255 has met the requirements for education, work experience, and
 256 good moral character under subsections (4), (5), and (6) and has
 257 passed the Uniform CPA exam. The board shall have the authority
 258 to establish the standards for experience that meet this
 259 requirement.

260 ~~(9)(10)~~ The board may refuse to certify for licensure any
 261 applicant who is under investigation in another state for any

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262 act that would constitute a violation of this act or chapter
 263 455, until such time as the investigation is complete and
 264 disciplinary proceedings ~~are have been~~ terminated.

265 Section 6. Paragraph (c) of subsection (1) of section
 266 473.312, Florida Statutes, is amended to read:

267 473.312 Continuing education.—

268 (1)

269 (c) ~~At least~~ Not less than 5 percent of the total hours
 270 required by the board ~~must shall~~ be in ethics applicable to the
 271 practice of public accounting. ~~This requirement shall be~~
 272 ~~administered by providers approved by the board, and a majority~~
 273 ~~of the hours must shall~~ include a review of ~~the provisions of~~
 274 chapter 455 and this chapter and the related administrative
 275 rules. Such requirement must be administered by reputable
 276 providers determined by the board. The board shall give
 277 preference to corporations not for profit organized under
 278 chapter 617 who are exempt from taxation under s. 501(c)(6) of
 279 the Internal Revenue Code and who demonstrate their experience,
 280 integrity, knowledge, practice, professional responsibility, and
 281 representation of the largest numbers of certified public
 282 accountants in this state.

283 Section 7. Effective January 1, 2026, subsections (1) and
 284 (3) of section 473.3141, Florida Statutes, are amended to read:

285 473.3141 Certified public accountants licensed in other
 286 states.—

287 (1) ~~Except as otherwise provided in this chapter,~~ An
 288 individual who holds an active license in good standing to
 289 practice public accounting in another state or a territory of
 290 the United States and who does not have an office in this state

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

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291 has the privileges of Florida certified public accountants and
 292 may provide public accounting services in this state without
 293 obtaining a license under this chapter or notifying or
 294 registering with the board or paying a fee if, at the time of
 295 licensure by such other state or territory, the individual was
 296 required to show evidence of having obtained at least a
 297 baccalaureate degree and having passed the Uniform CPA
 298 Examination+

299 ~~(a) Holds a valid license as a certified public accountant~~
 300 ~~from a state that the board or its designee has determined by~~
 301 ~~rule to have adopted standards that are substantially equivalent~~
 302 ~~to the certificate requirements in s. 5 of the Uniform~~
 303 ~~Accountancy Act in the issuance of licenses; or~~

304 ~~(b) Holds a valid license as a certified public accountant~~
 305 ~~from a state that has not been approved by the board as having~~
 306 ~~adopted standards in substantial equivalence with s. 5 of the~~
 307 ~~Uniform Accountancy Act, but obtains verification from the~~
 308 ~~board, or its designee, as determined by rule, that the~~
 309 ~~individual's certified public accountant qualifications are~~
 310 ~~substantially equivalent to the certificate requirements in s. 5~~
 311 ~~of the Uniform Accountancy Act.~~

312 The board shall define by rule what constitutes an office.

313 (3) An individual certified public accountant from another
 314 state or a territory of the United States who practices pursuant
 315 to this section, and the firm that employs that individual, must
 316 ~~shall~~ both consent, as a condition of the privilege of
 317 practicing in this state:

318 (a) To the ~~personal and subject matter~~ jurisdiction and
 319

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320 disciplinary authority of the board;

321 (b) To comply with this chapter and the applicable board
 322 rules;

323 (c) That if the individual's license as a certified public
 324 accountant from another the state or a territory of the United
 325 States becomes invalid of the individual's principal place of
 326 ~~business is no longer valid~~, the individual must will cease
 327 offering or rendering public accounting services in this state,
 328 individually and on behalf of a firm; and
 329 (d) To the appointment of the ~~state~~ board that issued the
 330 individual's license as the agent upon whom process may be
 331 served in any action or proceeding by the board or department
 332 against the individual or firm.

333 Section 8. For the purpose of incorporating the amendment
 334 made by this act to section 473.312, Florida Statutes, in
 335 references thereto, paragraph (b) of subsection (1) of section
 336 473.311, Florida Statutes, is reenacted to read:

337 473.311 Renewal of license.—

338 (1)

339 (b) A nonresident licensee seeking renewal of a license in
 340 this state shall be determined to have met the continuing
 341 education requirements in s. 473.312, except for the
 342 requirements in s. 473.312(1)(c), if the licensee has complied
 343 with the continuing education requirements applicable in the
 344 state in which his or her office is located. If the state in
 345 which the nonresident licensee's office is located has no
 346 continuing education requirements for license renewals, the
 347 nonresident licensee must comply with the continuing education
 348 requirements in s. 473.312.

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2025160c1

349 Section 9. Except as otherwise expressly provided in this
350 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 Rules

BILL: SB 294

INTRODUCER: Senator Harrell

SUBJECT: Collaborative Pharmacy Practice for Chronic Health Conditions

DATE: March 11, 2025

REVISED: 02/19/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Gerbrandt</u>	<u>McKnight</u>	<u>AHS</u>	Favorable
3.	<u>Smith</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 294 amends s. 465.1865, F.S., relating to collaborative pharmacy practice agreements. Under current law, collaborative pharmacy practice describes an arrangement in which a physician authorizes a pharmacist to provide specified patient care services relating to chronic health conditions to one or more of the physician’s patients. The bill provides that the term “chronic health condition” does not include heart failure, coronary heart disease, and cardiac rhythm disorder.

In practice, this would ensure that those conditions remain excluded from any definition of the term that may be adopted in rule by the Board of Pharmacy.

The bill has no fiscal impact on state revenues or expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Pharmacist Licensure

Pharmacy is the third largest health profession behind nursing and medicine.¹ The Board of Pharmacy (BOP), in conjunction with the Department of Health (DOH), regulates the practice of pharmacists pursuant to ch. 465, F.S.² To be licensed as a pharmacist, a person must:³

- Complete an application and remit an examination fee;

¹ American Association of Colleges of Pharmacy, *About AACP*, available at <https://www.aacp.org/about-aacp> (last visited Feb. 13, 2025).

² Sections 465.004 and 465.005, F.S.

³ Section 465.007, F.S. The DOH may also issue a license by endorsement to a pharmacist who is licensed in another state upon meeting the applicable requirements set forth in law and rule. *See* s. 465.0075, F.S.

- Be at least 18 years of age;
- Hold a degree from an accredited and approved school or college of pharmacy;⁴
- Have completed a BOP-approved internship; and
- Successfully complete the BOP-approved examination.

A pharmacist must complete at least 30 hours of BOP-approved continuing education during each biennial renewal period.⁵

Pharmacist Scope of Practice

In Florida, the practice of the profession of pharmacy includes:⁶

- Compounding, dispensing, and consulting concerning the contents, therapeutic values, and uses of any medicinal drug;
- Consulting concerning therapeutic values and interactions of patent or proprietary preparations;
- Monitoring a patient's drug therapy and assisting the patient in the management of his or her drug therapy, including the review of the patient's drug therapy and communication with the patient's prescribing health care provider or other persons specifically authorized by the patient;
- Transmitting information from prescribers to their patients;
- Administering specified vaccines to adults and influenza vaccines to persons seven years of age or older;⁷
- Administering epinephrine autoinjections;⁸
- Administering antipsychotic medications by injection;⁹ and
- Screen an adult for Human Immunodeficiency Syndrome (HIV) exposure.¹⁰

A pharmacist may not alter a prescriber's directions, diagnose or treat any disease, initiate any drug therapy, or practice medicine or osteopathic medicine, unless permitted by law.¹¹

Pharmacists may order and dispense drugs that are included in a formulary developed by a committee composed of members of the Board of Medicine (BOM), the Board of Osteopathic Medicine (BOOM), and the BOP.¹² The formulary may only include:¹³

- Any medicinal drug of single or multiple active ingredients in any strengths when such active ingredients have been approved individually or in combination for over-the-counter sale by the U.S. Food and Drug Administration (FDA);

⁴ If the applicant has graduated from a 4-year undergraduate pharmacy program of a school or college of pharmacy located outside the U.S., the applicant must demonstrate proficiency in English, pass the board-approved Foreign Pharmacy Graduate Equivalency Examination, and complete a minimum of 500 hours in a supervised work activity program within Florida under the supervision of a DOH licensed pharmacist.

⁵ Section 465.009, F.S.

⁶ Section 465.003(13), F.S.

⁷ See s. 465.189, F.S.

⁸ *Id.*

⁹ Section 465.1893, F.S.

¹⁰ Section 465.1861, F.S.

¹¹ Section 465.003(22), F.S.

¹² Section 465.186, F.S.

¹³ *Id.*

- Any medicinal drug recommended by the FDA Advisory Panel for transfer to over-the-counter status pending approval by the FDA;
- Any medicinal drug containing any antihistamine or decongestant as a single active ingredient or in combination;
- Any medicinal drug containing fluoride in any strength;
- Any medicinal drug containing lindane in any strength;
- Any over-the-counter proprietary drug under federal law that has been approved for reimbursement by the Florida Medicaid Program; and
- Any topical anti-infectives, excluding eye and ear topical anti-infectives.

A pharmacist may order the following, within his or her professional judgment and subject to the following conditions:

- Certain oral analgesics for mild to moderate pain. The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription is limited to a six-day supply for one treatment of:
 - Magnesium salicylate/phenyltoloxamine citrate;
 - Acetylsalicylic acid (zero order release, long acting tablets);
 - Choline salicylate and magnesium salicylate;
 - Naproxen sodium;
 - Naproxen;
 - Ibuprofen;
 - Phenazopyridine, for urinary pain; and
 - Antipyrine 5.4 percent, benzocaine 1.4 percent, glycerin, for ear pain if clinical signs or symptoms of tympanic membrane perforation are not present;
- Anti-nausea preparations;
- Certain antihistamines and decongestants;
- Certain topical antifungal/antibacterials;
- Topical anti-inflammatory preparations containing hydrocortisone not exceeding 2.5 percent;
- Certain otic antifungal/antibacterial;
- Salicylic acid 16.7 percent and lactic acid 16.7 percent in flexible collodion, to be applied to warts, except for patients under 2 years of age, and those with diabetes or impaired circulation;
- Vitamins with fluoride, excluding vitamins with folic acid in excess of 0.9 mg.;
- Medicinal drug shampoos containing lindane for the treatment of head lice;
- Ophthalmic. Naphazoline 0.1 percent ophthalmic solution;
- Certain histamine H2 antagonists;
- Acne products; and
- Topical antiviral for herpes simplex infections of the lips.¹⁴

Collaborative Pharmacy Practice Agreements

Under s. 465.1865, F.S., a collaborative pharmacy practice agreement (CPPA) is a formal agreement in which a physician licensed under ch. 458 or 459, F.S., makes a diagnosis, supervises patient care, and refers patients to a pharmacist under a protocol that allows the

¹⁴ Fla. Admin. Code R. 64B16-27.220 (2025).

pharmacist to provide specified patient care services for certain chronic medical conditions. A CPPA specifies what functions beyond the pharmacist's typical scope of practice can be delegated to the pharmacist by the collaborating physician. Common tasks include initiating, modifying, or discontinuing medication therapy and ordering and evaluating tests.

Pharmacist Training for Collaborative Practice

To provide services under a CPPA, a pharmacist must be certified by the BOP. To obtain certification a pharmacist must complete a 20-hour course approved by the BOP, in consultation with the BOM and the BOOM, and:

- Hold an active and unencumbered license to practice pharmacy;
- Have a Ph.D. in pharmacy or have five years of experience as a licensed pharmacist;
- Have completed the BOP-approved, 20-hour course, eight hours of which must be live or live video conference that includes instruction in:
 - Performance of patient assessments;
 - Ordering, performing, and interpreting clinical and laboratory tests;
 - Evaluating and managing diseases and health conditions in collaboration with other health care practitioners; and
 - Writing and entering into a CPPA.
- Maintains at least \$250,000 of professional liability insurance coverage; and
- Has established a system to maintain patient records of patients receiving services under a CPPA for five years from the patient's most recent service.¹⁵

Required Contents of CPPA

The terms and conditions of the CPPA must be appropriate to the pharmacist's training, and the services delegated to the pharmacist must be within the collaborating physician's scope of practice. A copy of the certification received from the BOP must be included as an attachment to the CPPA. A CPPA must include the following:

- The name of the collaborating physician's patient(s) for whom a pharmacist may provide services;
- Each chronic health condition to be collaboratively managed;
- The specific medicinal drug(s) to be managed for each patient;
- Material terms defined as those terms enumerated in s. 465.1865(3)(a), F.S.;
- Circumstances under which the pharmacist may order or perform and evaluate laboratory or clinical tests;
- Conditions and events in which the pharmacist must notify the collaborating physician and the manner and timeframe in which notification must occur;
- The start and ending dates of the CPPA and termination procedures, including procedures for patient notification and medical records transfers;
- A statement that the CPPA may be terminated, in writing, by either party at any time; and
- In the event of an addendum to the material terms of an existing CPPA, a copy of the addendum and the initial agreement.

¹⁵ Section 465.1865(2), F.S.

A CPPA will automatically terminate two years after execution if not renewed. The pharmacist, along with the collaborating physician, must maintain the CPPA on file at his or her practice location and must make the CPPA available to the DOH or BOP upon request or inspection. A pharmacist who enters into a CPPA must submit a copy of the signed agreement to the BOP before the agreement may be implemented.¹⁶

Allowable Chronic Health Conditions

CPPAs in Florida allow a pharmacist to provide specific patient care services for chronic health conditions. Section 465.1865(1)(b), F.S., establishes that the term “chronic health condition” means:

- Arthritis;
- Asthma;
- Chronic obstructive pulmonary diseases;
- Type 2 diabetes;
- Human immunodeficiency virus or acquired immune deficiency syndrome;
- Obesity; or
- Any other chronic condition adopted in rule by the board, in consultation with the BOM and the BOOM.

The BOP has adopted the following list of chronic health conditions for which a pharmacist certified pursuant to s. 465.1865, F.S., can provide specified patient care services to patients of a collaborating physician pursuant to a pending CPPA:

- Hyperlipidemia;
- Hypertension;
- Anti-coagulation management;
- Nicotine Dependence;
- Opioid use disorder;
- Hepatitis C
- Those chronic health conditions enumerated in s. 465.1865(1)(b), F.S.¹⁷

On May 23, 2024, the Boards of Pharmacy, Medicine, and Osteopathic Medicine held a Joint Rules Committee meeting to discuss adding heart disease to the list of chronic health conditions.¹⁸ The committee ultimately decided not to proceed with the proposed rule language.¹⁹

Prohibited Acts Regarding a CPPA

A pharmacist may not:

- Modify or discontinue medicinal drugs prescribed by a health care practitioner with whom he or she does not have a CPPA; or
- Enter into a CPPA while acting as a pharmacy employee without the written approval of the owner of the pharmacy.

¹⁶ Section 465.1865(3), F.S. and Fla. Admin. Code R. 64B16-31.003 (2025).

¹⁷ Fla. Admin. Code R. 64B16-31.007, F.A.C. (2025).

¹⁸ Florida Department of Health, *Senate Bill 294 Analysis* (Feb. 17, 2025) (on file with Senate Committee on Health Policy).

¹⁹ *Id.*

A physician may not delegate the authority to initiate or prescribe a controlled substance listed in s. 893.03, F.S. or 21 U.S.C. s. 812, to a pharmacist.

Continuing Education

A pharmacist who practices under a CPPA must complete an eight-hour continuing education (CE) course approved by the BOP that addresses CPPA-related issues each biennial licensure renewal, in addition to the CE requirements under s. 465.009, F.S. A pharmacist wishing to maintain CPPA certification must submit confirmation of having completed such course when applying for licensure renewal. A pharmacist who fails to complete this CE is prohibited from practicing under a CPPA.

CPPAs in Effect

According to the DOH 2023-2024 Annual Report, there are 39,486 licensed pharmacists in Florida.²⁰ In fiscal year 2023-2024, 87 pharmacists became certified to provide care under a CPPA.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 465.1865, F.S., to exclude heart failure, coronary heart disease, and cardiac rhythm disorders from the definition of “chronic health condition.” This would remove the authority of the Board of Pharmacy (BOP) to include those conditions as “chronic health conditions” in rule.

Under current law and rule, pharmacists are not authorized to “collaboratively manage” heart failure, coronary heart disease, and cardiac rhythm disorders with a collaborating physician under a collaborative pharmacy agreement (CPPA). This would not change upon the enactment of the bill, but it would prevent the BOP from classifying those conditions by rule as chronic health conditions that may be included in a CPPA prospectively.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2023-2024*, at pg. 4, available at <https://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/annual-reports.html> (last visited Feb. 13, 2025).

²¹ *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 465.1865 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 Harrell

31-00563-25

2025294__

1 A bill to be entitled
 2 An act relating to collaborative pharmacy practice for
 3 chronic health conditions; amending s. 465.1865, F.S.;
 4 revising the definition of the term "chronic health
 5 condition" to exclude specified heart conditions for
 6 purposes of collaborative pharmacy practice for
 7 chronic health conditions; providing an effective
 8 date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (b) of subsection (1) of section
 13 465.1865, Florida Statutes, is amended to read:
 14 465.1865 Collaborative pharmacy practice for chronic health
 15 conditions.—
 16 (1) For purposes of this section, the term:
 17 (b) "Chronic health condition" means:
 18 1. Arthritis;
 19 2. Asthma;
 20 3. Chronic obstructive pulmonary diseases;
 21 4. Type 2 diabetes;
 22 5. Human immunodeficiency virus or acquired immune
 23 deficiency syndrome;
 24 6. Obesity; or
 25 7. Any other chronic condition adopted in rule by the
 26 board, in consultation with the Board of Medicine and the Board
 27 of Osteopathic Medicine.
 28
 29 The term does not include heart failure, coronary heart disease,

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31-00563-25

2025294__

30 or a cardiac rhythm disorder.
 31 Section 2. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 314

INTRODUCER: Senators Wright and Collins

SUBJECT: Florida National Guard Increased Force Structure

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Ingram</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

I. Summary:

SM 314 is a memorial to the Congress of the United States, urging Congress to impel the National Guard Bureau to examine the present allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

National Guard and the National Guard Bureau

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the United States Secretary of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Today, the National Guard Bureau oversees each of the 54 National Guards in U.S. states and territories.⁴

¹ National Defense Act of 1916, Pub. L. 64-85 (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited Jan. 27, 2025).

³ *Id.* Section 250.01(13), F.S.

⁴ Air Force, *Air National Guard*, available at <https://www.af.mil/About-Us/Fact-Sheets/Display/Article/104546/air-national-guard/> (last visited Jan. 27, 2025).

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a National Guard member means that each member serves through both the National Guard of the state and through the U.S. Army or the U.S. Air Force.⁵ The collective membership of each National Guard is designated as its force structure. The force structure of each National Guard is allocated by the National Guard Bureau.⁶

Florida National Guard

The Florida National Guard dates back to 1565, when Spanish founders of St. Augustine organized a company of citizen-soldiers to protect the local community.⁷ A member of the Florida National Guard serves either in the state Army National Guard or in the state Air National Guard, considered a reserve component of each of those armed forces.⁸ Overseeing the Florida National Guard as a federally-recognized officer, the adjutant general is appointed by the Governor and subject to Senate confirmation.⁹ The adjutant general, responsible for training and operations of the National Guard, must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher.¹⁰ Ranked above adjutant general is the Governor, who serves as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

Over the past year, Florida National Guard members have been mobilized to multiple overseas deployments and assigned to assist domestically with:

- Hurricanes Debby, Helene, and Milton response;
- Migration support; and
- State corrections support.¹²

Since September 11, 2001, Florida National Guard members have mobilized to respond to out-of-state and overseas operations at a rate of over 28,000 deployments.¹³

Demographics

The force structure of the Florida National Guard is comprised of more than 12,000 members,¹⁴ while Florida is the third most-populous state,¹⁵ estimated at more than 22 million residents.¹⁶

⁵ *Id.*

⁶ 10 U.S.C. s. 10503(1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Jan. 27, 2025).

⁸ Section 250.01(3), (6), and (13), F.S.

⁹ Section 250.10(1), F.S.

¹⁰ *Id.*

¹¹ Section 250.06(1), F.S.

¹² Major General John D. Haas, Florida National Guard, Dep't of Military Affairs, PowerPoint, *Florida National Guard, Dep't of Military Affairs, Senate Committee on Military and Veteran Affairs, Space, and Domestic Security*, pp. 6-7 (published Feb. 17, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹³ Dep't of Military Affairs, *Senate Memorial 314 Agency Legislative Bill Analysis* (Feb. 10, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁴ Major General John D. Haas, *supra* note 12, at 3.

¹⁵ United States Census Bureau, *Quick Facts, Florida*, available at <https://www.census.gov/quickfacts/fact/dashboard/FL,US/PST045222> (last visited Jan. 27, 2025).

¹⁶ *Id.*

This force structure in proportion to the state population ranks last in the nation.¹⁷ In addition to the state's low positioning of Florida National Guard members to current population, the Florida National Guard members are activated an average of 91 days per year, which is more than the national average.¹⁸ In addition to this, Florida's population is expected to grow with the addition of another 1.4 million residents by the end of 2029.¹⁹

Congressional Support for Increased Funding and Allocation

On March 24, 2021, members of the Florida Congressional Delegation sent a written request to both the United States Secretary of Defense and the Chief of the National Guard Bureau.²⁰ In their request, Congress members asked for more equitable funding and resource allocation for the Florida National Guard. These members of Congress based their request on the disproportionality between the state population compared to the size of the force structure, along with the state's unique vulnerability to continuing disasters.²¹ Specifically, Congressional members specified that if force structure were proportional, the Florida National Guard would have 21,000, rather than 12,000 Guard members.²²

On June 1, 2021, members of Congress representing California, Texas, and Florida sent a written request to the United States Secretary of Defense for an increased allocation for the National Guard particular to these states.²³ In support, Congressional members cite that California, Texas, and Florida rank at the lowest level of force structure to population and at the top for highest percentage of largest counties in the United States and that these states expect to receive a disproportionate future increase in migration.²⁴

Memorial

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

SM 314 is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to examine present allocations to the Florida National Guard and allow an increase to the state's force structure.

¹⁷ Dep't of Military Affairs, *Senate Memorial 314 Agency Legislative Bill Analysis (Feb. 10, 2025)* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Letter from members of the Florida Congressional Delegation to Secretary Lloyd J. Austin III, U.S. Dep't of Defense and Chief Daniel R. Hokanson, National Guard Bureau, March 24, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²¹ *Id.*

²² *Id.*

²³ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd Austin, U.S. Dep't of Defense, June 1, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁴ *Id.*

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because the bill is a memorial, there is no mandated fiscal impact. However, should the state receive an increase in Florida National Guard members, the state may incur an indeterminate initial cost of activating additional Florida National Guard members based on training and equipment costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Wright

8-00105-25

2025314__

1 Senate Memorial
 2 A memorial to the Congress of the United States,
 3 urging Congress to impel the National Guard Bureau to
 4 examine the present allocations of the Florida
 5 National Guard and allow an increase in its force
 6 structure.
 7
 8 WHEREAS, the number of soldiers and airmen allocated to
 9 each state's National Guard, known as its "force structure," is
 10 determined by the National Guard Bureau in Washington, D.C., and
 11 WHEREAS, with approximately 21 million residents, Florida
 12 is the third most populous state in the nation but has a force
 13 structure of just over 12,000 Guardsmen, and its ratio of one
 14 Guardsman for every 1,833 residents ranks 53rd among the 54
 15 states and territories of the United States which have a
 16 National Guard component, and
 17 WHEREAS, due to the unprecedented events of 2020 and 2021,
 18 including COVID-19 response, natural disasters, and overseas
 19 deployments, the Florida National Guard expended the same number
 20 of workdays in 18 months as it had expended during the previous
 21 20 years, and
 22 WHEREAS, the Florida National Guard continues to meet its
 23 mission goals; however, the shortage of these invaluable
 24 "citizen soldiers," combined with the state's growing population
 25 and increased need for National Guard activation and response,
 26 has resulted in the repeated redeployment of the same soldiers,
 27 which ultimately leads to excessive stress and fatigue and
 28 negatively impacts recruitment, retention, and readiness, and
 29 WHEREAS, the National Guard Bureau's report titled "Impact

Page 1 of 2

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

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30 of U.S. Population Trends on National Guard Force Structure,"
 31 released to Congress in April 2021, acknowledges the
 32 aforementioned concerns within Florida and other regions,
 33 stating that "the National Guard may need to evaluate re-
 34 allocating mission sets to other geographic areas to keep pace
 35 with changing demographics across the country," NOW, THEREFORE,
 36
 37 Be It Resolved by the Legislature of the State of Florida:
 38
 39 That the Florida Legislature respectfully urges the United
 40 States Congress to impel the National Guard Bureau to examine
 41 the present allocations of the Florida National Guard and allow
 42 an increase in its force structure.
 43 BE IT FURTHER RESOLVED that the Secretary of State dispatch
 44 copies of this memorial to the President of the United States,
 45 the President of the United States Senate, the Speaker of the
 46 United States House of Representatives, and each member of the
 47 Florida delegation to the United States Congress.

Page 2 of 2

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 322

INTRODUCER: Judiciary Committee and Senator Rodriguez

SUBJECT: Property Rights

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u>Bond</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 322 creates a nonjudicial procedure for a property owner to request that the county sheriff remove an unauthorized person from commercial real property. This procedure is similar to procedures in existing law for the removal of an unauthorized person from a residential property. It provides that an owner of commercial property may request that the sheriff immediately remove an unauthorized person from the owner's property. An unauthorized person is someone not authorized to occupy the property who is not a current or former tenant.

An owner must contact the sheriff and file a complaint under penalty of perjury listing the relevant facts that show eligibility for relief. The complaint form is in the bill. If the complaint shows that the owner is eligible for relief and the sheriff can verify ownership of the property, the sheriff must remove the unauthorized person. The property owner must pay the sheriff the civil eviction fee plus an hourly rate if a deputy must stand by and keep the peace while the unauthorized person is removed.

A person wrongfully removed pursuant to this procedure has a cause of action against the owner for three times the fair market rent, damages, costs, and attorney fees.

Additionally, the bill expands crimes relating to unlawfully occupying a residential dwelling or fraudulently advertising residential property for sale or lease to include commercial properties.

The procedures in the bill are similar to procedures enacted during the 2024 Legislative Session for the removal of an unauthorized person from a residential dwelling. The bill also amends that 2024 enactment to add an express grant of authority to a sheriff to use reasonably necessary force to enter a property and corrects a cross-reference.

The bill may have an indeterminate positive impact on state prison beds. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

The Founders of this country recognized that the protection of private property is indispensable to the promotion of individual freedom.¹ John Adams said that “[p]roperty must be secured, or liberty cannot exist.”² The right to exclude others is “one of the most treasured” rights of property ownership.³ The right to exclude is “universally held to be a fundamental element of the property right,” and is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.”⁴

A squatter is a person who unlawfully occupies real property and refuses to leave when asked. By refusing to leave, the squatter violates the landowner’s right to exclude and the landowner’s freedom to enjoy the property as he or she wants.

Legal Remedies to Remove a Squatter

The existing legal remedies to remove a squatter are:

Criminal Trespass

Section 810.08, F.S., provides that a person commits the criminal offense of trespass in a structure or conveyance if the person:

without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so.⁵

Where a criminal trespass is occurring, a law enforcement officer arrests the trespasser and immediately restores the real property owner to possession of the real property, without cost.

However, where the criminal trespass offense is not readily observable because the trespasser claims ownership or lease rights, a law enforcement officer may decline to arrest or remove the person from the property and view the dispute as a “civil matter.” In that situation, the law

¹ *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2071, 210 L. Ed. 2d 369 (2021).

² *Id.*, citing *Discourses on Davila*, in 6 Works of John Adams 280 (C. Adams ed. 1851).

³ *Cedar Point Nursery*, citing *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 435 (1982).

⁴ *Cedar Point Nursery* at 2072; citing *Kaiser Aetna v. United States*, 444 U.S. 164, 176, 179–180 (1979).

⁵ Section 810.08(1), F.S.

enforcement officer will not force the unwanted person to surrender possession of the property without a court order.

Civil Action for Unlawful Detainer

“Unlawful detention” means possessing real property, even if the possession is temporary or applies only to a portion of the real property, without the consent of a person entitled to possession of the real property or after the withdrawal of consent by such person.⁶

Where an unlawful detention occurs, the person entitled to possession may bring a civil action for unlawful detainer. An unlawful detainer action is filed in county court⁷ and is entitled to the summary procedure of s. 51.011, F.S., for expedited review by the court.⁸ If the person to be served is not found at the usual place of residence, the process server may serve a summons by posting a copy in a conspicuous place on the property.⁹

If the owner or rightful resident prevails in the action, the clerk of court will issue a writ of possession to the sheriff describing the premises and commanding the Sheriff to put him or her in possession of the property.¹⁰ In addition to the delay caused by the time it takes to obtain and serve a writ of possession, the property owner or rightful resident must pay a number of fees and costs.

Civil Action for Landlord-Tenant Eviction

Some landowners looking to remove a squatter treat the person like a tenant and use the existing landlord-tenant eviction process. Eviction of a tenant can be for violation of lease terms, expiration of the lease, or nonpayment of rent. First, the landlord must deliver or post a notice to vacate by a date certain (3 days for non-payment of rent, 7 days for any other cause). If the tenant does not vacate (or cure the problem), the landlord may file a civil action for eviction.

An eviction action is filed in county court¹¹ and is entitled to the summary procedure of s. 51.011, F.S., for expedited review by the court. At this point forward, the court procedure for eviction is the same as an action for unlawful detainer (see previous section).

Transient Occupant Law (nonjudicial remedy)

In 2015, the Legislature addressed squatters by creating a nonjudicial civil remedy for removal by law enforcement officers of a transient occupant to address squatters.¹² It was amended in

⁶ Section 82.01(4), F.S.

⁷ Section 34.011(2), F.S.

⁸ Section 82.03(4), F.S. Under the summary procedure of s. 51.011, F.S., all defenses of law or fact are required to be contained in the defendant’s answer which must be filed within five days after service of process of the plaintiff’s complaint. If the answer incorporates a counterclaim, the plaintiff must include all defenses of law or fact in his or her answer to the counterclaim and serve it within five days after service of the counterclaim. No other pleadings are permitted, and all defensive motions, including motions to quash, are heard by the court prior to trial. Postponements are not permitted for discovery, and the procedure also provides for an immediate trial, if requested.

⁹ Section 82.05, F.S.

¹⁰ Section 82.091, F.S.

¹¹ Section 34.011(2), F.S.

¹² Chapter 2015-89, Laws of Fla.; codified as s. 82.035, F.S.

2018.¹³ A transient occupant is “a person whose residency in real property intended for residential use has occurred for a brief length of time, is not pursuant to a lease, and whose occupancy was intended as transient in nature.” The statute lists the following factors for consideration of whether an occupancy was intended as transient:

- The person does not have an ownership interest, financial interest, or leasehold interest in the property entitling him or her to occupancy of the property.
- The person does not have any property utility subscriptions.
- The person cannot produce documentation, correspondence, or identification cards sent or issued by a government agency, including, but not limited to, the Department of Highway Safety and Motor Vehicles or the supervisor of elections, which show that the person used the property address as an address of record with the agency within the previous 12 months.
- The person pays minimal or no rent for his or her stay at the property.
- The person does not have a designated space of his or her own, such as a room, at the property.
- The person has minimal, if any, personal belongings at the property.
- The person has an apparent permanent residence elsewhere.¹⁴

If the property owner is able to convince the law enforcement officer that an occupant of the property qualifies as a transient occupant, and if the owner has asked the transient occupant to leave, the law enforcement officer may direct the transient occupant to immediately leave.¹⁵

The property owner initiates the process by contacting a law enforcement agency. The property owner must file an affidavit that sets forth the facts and addresses each of the factors listed above.¹⁶ No fees are required.

A person wrongfully removed pursuant to this statute has a cause of action for wrongful removal against the person who requested the removal and may recover injunctive relief and compensatory damages. However, a wrongfully removed person does not have a cause of action against the law enforcement officer or the agency employing the law enforcement officer absent a showing of bad faith by the law enforcement officer.¹⁷ The statute includes process and procedure regarding the personal property of the transient occupant.¹⁸

2024 New Process for Removal of Unauthorized Person from Residential Property

Legislation enacted during the 2024 Legislative Session provides that an owner of residential property finding an unauthorized person residing on his or her property may request the sheriff to immediately remove the unauthorized person. The owner must show entitlement to relief in a sworn application. The legislation addressed the perceived ineffectiveness of other legal remedies, but only applies to residential property.¹⁹

¹³ Chapters 2018-83 and 2018-94, Laws of Fla.

¹⁴ Section 82.035(1)(a), F.S.

¹⁵ Section 82.035(3), F.S.

¹⁶ *Id.*

¹⁷ Section 82.035(3)(b), F.S.

¹⁸ Section 82.035(5), F.S.

¹⁹ Chapter 2024-44, Laws of Fla.

Criminal Laws That May Apply to Squatters

Florida criminalizes various behaviors related to fraudulently obtaining or damaging property that a person does not own. In addition to criminal trespass (discussed above), criminal laws that may apply to a squatter include:

Criminal Mischief

Section 806.13, F.S., provides criminal penalties for acts of criminal mischief.

A person commits criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto. If the damage to the property is:

- Two-hundred dollars or less, it is a second degree misdemeanor.²⁰
- Greater than \$200 but less than \$1,000, it is a first degree misdemeanor.
- One thousand dollars or greater, or if there is interruption or impairment of a business operation or public communications, transportation, supply of water, gas or power, or other public service which costs \$1,000 or more in labor and supplies to restore, it is a third degree felony.²¹

The 2024 squatters legislation created a new criminal offense providing that a person who unlawfully detains or occupies or trespasses upon a residential dwelling and who intentionally damages the dwelling causing \$1,000 or more in damages commits a felony of the second degree.²²

False Statements

The 2024 squatters legislation created a new criminal offense providing that a person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights commits a misdemeanor of the first degree.²³

Fraudulent Sale or Lease of Real Property

The 2024 squatters legislation created the criminal offense of Fraudulent Sale or Lease of Residential Real Property. A person who lists or advertises residential real property for sale knowing that he or she has no legal title or authority to sell the property or rents or leases the property to another person knowing that he or she has no lawful ownership in the property or leasehold interest in the property, commits a felony of the first degree.²⁴

²⁰ *Id.* A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

²¹ A third degree felony is punishable by up to 5 years' incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²² Section 806.13(4), F.S. A second degree felony is punishable by up to 15 years' incarceration and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

²³ Section 817.03(2), F.S.

²⁴ Section 817.0311, F.S. A first degree felony is punishable by up to 30 years' incarceration and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

Ineffectiveness of Existing Remedies to Address Unauthorized Persons

Existing legal remedies to remove a squatter are considered ineffective by some members of the public.²⁵ The 2024 squatters legislation only applies to residential property, effectively excluding commercial real property. Squatters go so far as to publish videos on how to avoid law enforcement officers and how to destroy a home while squatting.²⁶ A squatter confronted by a law enforcement officer may present a false deed, false lease, or other false or fraudulent document to avoid summary removal under the transient occupant law or arrest on a trespass charge. Some people thought to be unlawful squatters have been victims of a scam artist who falsely leased or sold the property after falsely claiming to be the owner or an authorized agent of the property owner.²⁷ Some landowners have resorted to dangerous self-help eviction because they believed current law inadequate.²⁸ Squatters have caused significant damage to properties.²⁹

III. Effect of Proposed Changes:

Civil Remedy to Remove Unauthorized Persons from Commercial Property

The bill creates s. 82.037, F.S., to provide a limited alternative remedy to remove unauthorized persons from commercial real property. The remedy is a nonjudicial process that closely follows the 2024 law limited to residential real property.

A property owner or his or her authorized agent may request the sheriff of the county in which the property is located to immediately remove a person or persons unlawfully occupying a commercial property if all of the following are met:

- The person requesting relief is the property owner or authorized agent of the property owner;
- The real property that is being occupied includes commercial real property;
- An unauthorized person or persons have unlawfully entered and remain or continue to reside on the property owner's commercial real property;
- The real property was not open to members of the public at the time the unauthorized person or persons entered;
- The owner has directed the unauthorized person or persons to leave the real property;
- The unauthorized person or persons are not current or former tenants pursuant to a written or oral rental agreement authorized by the property owner;
- There is no pending litigation related to the real property between the property owner and any known unauthorized person.

²⁵ Andrew Mark Miller, *Squatters torment homeowners across US with no resolution in sight: 'It's a problem,'* FOX NEWS (Mar. 21, 2023), <https://www.foxnews.com/us/squatters-torment-homeowners-across-u-s-with-no-resolution-sight-problem>.

²⁶ Your Homeless Friend Kai, *How to squat. How to live rent free,* YOUTUBE, <https://www.youtube.com/watch?v=6qZxirdaBFs> [warning - foul language] (last visited Feb. 14, 2025).

²⁷ Testimony by representatives of the Seminole County Sheriff before the Senate Judiciary Committee, February 11, 2025.

²⁸ Outside the Box with Flash, *How I removed squatters in less than a day* YOUTUBE <https://www.youtube.com/watch?v=uhz5r1JKwjs> (last visited Jan. 31, 2024); Emma Colton, *Armed Florida man confronts squatter who took over house while he was overseas: police,* FOX NEWS (Jan 15, 2023), <https://www.foxnews.com/us/armed-florida-man-confronts-squatter-who-took-over-house-while-he-was-overseas-police>.

²⁹ Kassy Dillon, *Army reservist battles squatter living in home after she was called up for active duty,* FOX NEWS (Sept. 17, 2023), <https://www.foxnews.com/media/army-reservist-battles-squatter-renting-home-called-active-duty>; Andrew Mark Miller, *Squatters torment homeowners across US with no resolution in sight: 'It's a problem,'* FOX NEWS (Mar. 21, 2023), <https://www.foxnews.com/us/squatters-torment-homeowners-across-u-s-with-no-resolution-sight-problem>.

The bill creates a complaint form for use in requesting relief. Upon receipt of the complaint, the bill requires the sheriff to verify the identity of the person submitting the complaint and verify that the person is the record owner of the real property or the authorized agent of the owner and appears otherwise entitled to relief.

If verified, the sheriff must serve on the unlawful occupants a notice to immediately vacate and must then put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff must also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause. The owner of the property expressly grants the sheriff the authority to enter the property using reasonably necessary force, search the property, and remove any unauthorized person.

The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of possession under s. 30.231, F.S. Currently, that fee is \$90. After the sheriff serves the notice to immediately vacate, the property owner or authorized agent may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by to keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. This rate varies by county. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage. The property owner or his or her authorized agent is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

A person may bring a civil cause of action for wrongful removal under this section. A person harmed by a wrongful removal pursuant to this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees. The court must advance the cause on the calendar.

The bill provides that it does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Criminal Offenses Related to Commercial Real Property

The bill expands the second degree felony offense at s. 806.13(4), F.S., of detaining, occupying or trespassing on a residential property causing damage in excess of \$1,000, to include commercial property.

The bill expands the first degree felony offense at s. 817.0311, F.S., of fraudulently advertising, selling or leasing residential real property while knowing that he or she has no lawful real estate interest to sell or lease the property, by deleting the word “residential” to make the offense apply to the fraudulent advertising, sale or lease of any form of real property.

Amendment to 2024 Act Regarding Residential Properties

The bill also amends the complaint form created by the similar 2024 act regarding residential properties to expressly authorize a sheriff to use reasonable force to enter a property. In addition, the cross-reference to the penalty for perjury in the form is corrected from referencing s. 837.02, F.S. (perjury in an official proceeding) to s. 92.525, F.S. (perjury by false written declaration).

Effective Date

The bill is effective July 1, 2025.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may reduce costs that the private sector would otherwise incur to remove squatters from commercial properties.

C. Government Sector Impact:

The bill expands the crime for damaging or fraudulently advertising, selling or leasing residential real property to include commercial property, and, therefore, may have a positive indeterminate prison bed impact on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 82.036, 806.13 and 817.0311.

This bill creates section 82.037 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 775.0837 and 895.02.

IX. Additional Information:

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

CS by Judiciary on February 18, 2025:

The committee substitute added express authority in the complaint form for the sheriff to use reasonable force to enter a property and corrected a cross-reference. The committee substitute also made these changes to existing law related to the removal of an unauthorized person from a residential property.

- B. **Amendments:**

None.



627756

LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Between lines 245 and 246

insert:

Section 3. Section 689.03, Florida Statutes, is amended to read:

689.03 Effect of such deed.—A conveyance executed substantially in the ~~foregoing~~ form provided in s. 689.02 must ~~shall~~ be held to be a warranty deed with full common-law covenants, and must ~~shall~~ just as effectually bind the grantor, and the grantor's heirs, as if such ~~said~~ covenants were



627756

12 specifically set out therein. And this form of conveyance when
13 signed by a married woman must ~~shall~~ be held to convey whatever
14 interest in the property conveyed which she may possess.

15

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

17 And the title is amended as follows:

18 Delete line 30

19 and insert:

20 construction; amending s. 689.03, F.S.; making
21 technical changes; amending s. 806.13, F.S.;
22 prohibiting

By the Committee on Judiciary; and Senator Rodriguez

590-02003A-25

2025322c1

1 A bill to be entitled
 2 An act relating to property rights; amending s.
 3 82.036, F.S.; specifying a requirement for a complaint
 4 to remove an unauthorized person from residential
 5 property; correcting a cross-reference in the
 6 complaint; creating s. 82.037, F.S.; authorizing a
 7 property owner or his or her authorized agent to
 8 request the sheriff in the county in which the owner's
 9 commercial real property is located to immediately
 10 remove persons unlawfully occupying the owner's
 11 commercial real property if specified conditions are
 12 met; requiring such owners or agents to submit a
 13 specified completed and verified complaint; specifying
 14 requirements for the complaint; specifying
 15 requirements for the sheriff upon receipt of the
 16 complaint; authorizing the sheriff to arrest an
 17 unauthorized person for legal cause; providing that
 18 sheriffs are entitled to a specified fee for service
 19 of the notice to vacate immediately; authorizing the
 20 owner or agent to request that the sheriff stand by
 21 while the owner or agent takes possession of the
 22 commercial real property; authorizing the sheriff to
 23 charge a reasonable hourly rate; providing that the
 24 sheriff is not liable to any party for loss,
 25 destruction, or damage to certain personal property;
 26 providing that the property owner or agent is not
 27 liable to any party for the loss or destruction of, or
 28 damage to, personal property unless it was wrongfully
 29 removed; providing civil remedies; providing

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30 construction; amending s. 806.13, F.S.; prohibiting
 31 unlawfully detaining or occupying or trespassing upon
 32 commercial real property and intentionally causing a
 33 specified amount of damage; providing criminal
 34 penalties; amending s. 817.0311, F.S.; prohibiting
 35 listing or advertising for sale, or renting or
 36 leasing, real property under certain circumstances;
 37 providing criminal penalties; reenacting ss.
 38 775.0837(1)(c) and 895.02(8)(a), F.S., relating to
 39 habitual misdemeanor offenders and definitions,
 40 respectively, to incorporate the amendments made to
 41 ss. 806.13 and 817.0311, F.S., in references thereto;
 42 providing an effective date.
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Subsection (3) of section 82.036, Florida
 47 Statutes, is amended to read:
 48 82.036 Limited alternative remedy to remove unauthorized
 49 persons from residential real property.-
 50 (3) To request the immediate removal of an unlawful
 51 occupant of a residential dwelling, the property owner or his or
 52 her authorized agent must submit a complaint by presenting a
 53 completed and verified Complaint to Remove Persons Unlawfully
 54 Occupying Residential Real Property to the sheriff of the county
 55 in which the real property is located. The submitted complaint
 56 must be in substantially the following form:
 57
 58 COMPLAINT TO REMOVE PERSONS UNLAWFULLY

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OCCUPYING RESIDENTIAL REAL PROPERTY

I, the owner or authorized agent of the owner of the real property located at, declare under the penalty of perjury that (initial each box):

1. I am the owner of the real property or the authorized agent of the owner of the real property.
2. I purchased the property on
3. The real property is a residential dwelling.
4. An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.
5. The real property was not open to members of the public at the time the unauthorized person or persons entered.
6. I have directed the unauthorized person or persons to leave the real property, but they have not done so.
7. The person or persons are not current or former tenants pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent.
8. The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in title fraud.
9. The unauthorized person or persons are not immediate family members of the property owner.
10. There is no litigation related to the real property pending between the property owner and any person sought to be removed.

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11. I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.
 12. I am requesting the sheriff to immediately remove the unauthorized person or persons from the residential property. I authorize the sheriff to enter the property using reasonably necessary force, to search the property, and to remove any unauthorized person or persons.
 13. A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.
- I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA STATUTES.
- ...(Signature of Property Owner or Agent of Owner)...
- Section 2. Section 82.037, Florida Statutes, is created to read:
- 82.037 Limited alternative remedy to remove unauthorized persons from commercial real property.—
- (1) A property owner or his or her authorized agent may request from the sheriff of the county in which the owner's

590-02003A-25

2025322c1

117 commercial real property is located the immediate removal of any
 118 person or persons unlawfully occupying the commercial real
 119 property pursuant to this section if all of the following
 120 conditions are met:

121 (a) The requesting person is the property owner or
 122 authorized agent of the property owner.

123 (b) The real property that is being occupied includes
 124 commercial property.

125 (c) An unauthorized person or persons have unlawfully
 126 entered and remain in or continue to occupy the property owner's
 127 commercial real property.

128 (d) The commercial real property was not open to members of
 129 the public at the time the unauthorized person or persons
 130 entered.

131 (e) The property owner has directed the unauthorized person
 132 or persons to leave the commercial real property.

133 (f) The unauthorized person or persons are not current or
 134 former tenants pursuant to a written or oral rental agreement
 135 authorized by the property owner.

136 (g) There is no litigation related to the commercial real
 137 property pending between the property owner and any known
 138 unauthorized person.

139 (2) To request the immediate removal of an unlawful
 140 occupant of commercial real property, the property owner or his
 141 or her authorized agent must submit a complaint by presenting a
 142 completed and verified Complaint to Remove Persons Unlawfully
 143 Occupying Commercial Real Property to the sheriff of the county
 144 in which the real property is located. The submitted complaint
 145 must be in substantially the following form:

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

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2025322c1

146
 147 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
 148 COMMERCIAL REAL PROPERTY
 149

150 I, the owner or authorized agent of the owner of the
 151 commercial real property located at ... address of property ...,
 152 declare under penalty of perjury that (initial each box):

153 1. ...I am the owner of the commercial real property or
 154 the authorized agent of the owner of the commercial real
 155 property.

156 2. ...I purchased the commercial real property on ... date
 157 of purchase

158 3. ...An unauthorized person or persons have unlawfully
 159 entered and remain on the commercial real property.

160 4. ...The commercial real property was not open to members
 161 of the public at the time the unauthorized person or persons
 162 entered.

163 5. ...I have directed the unauthorized person or persons
 164 to leave the commercial real property, but they have not done
 165 so.

166 6. ...The unauthorized person or persons are not current
 167 or former tenants pursuant to any valid lease authorized by me
 168 or one of my agents, and any lease that may be produced by an
 169 occupant is fraudulent.

170 7. ...The unauthorized person or persons sought to be
 171 removed are not an owner or co-owner of the commercial real
 172 property and have not been listed on the title to the commercial
 173 real property unless the person or persons have engaged in title
 174 fraud.

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175 8. ...There is no litigation related to the commercial
 176 real property pending between any person sought to be removed
 177 and myself or my agent.

178 9. ...I understand that any person removed from the
 179 commercial real property pursuant to this procedure may bring a
 180 cause of action against me for any false statements made in this
 181 complaint, or for wrongfully using this procedure, and that as a
 182 result of such action I may be held liable for actual damages,
 183 penalties, costs, and reasonable attorney fees.

184 10. ...I request that the sheriff immediately remove the
 185 unauthorized person or persons from the commercial real
 186 property. I authorize the sheriff to enter the property using
 187 reasonably necessary force, to search the property, and to
 188 remove any unauthorized person or persons.

189 11. ...A copy of my valid government-issued identification
 190 is attached, or I am an agent of the property owner, and
 191 documents evidencing my authority to act on the property owner's
 192 behalf are attached.

193
 194 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT, AND EACH
 195 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
 196 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY,
 197 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

198 ...(Signature of the Property Owner or Agent of Owner...)
 200

201 (3) Upon receipt of the complaint, the sheriff shall verify
 202 that the person submitting the complaint is the record owner of
 203 the commercial real property or the authorized agent of the

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204 owner and appears otherwise entitled to relief under this
 205 section. If verified, the sheriff must, without delay, serve a
 206 notice to vacate immediately on any unlawful occupant or
 207 occupants and must put the owner in possession of the commercial
 208 real property. Service of the notice may be accomplished by hand
 209 delivery to an unlawful occupant or occupants or by posting the
 210 notice on the front door or entrance of the commercial real
 211 property. The sheriff shall also attempt to verify the
 212 identities of all persons occupying the commercial real property
 213 and note their identities on the return of service. If
 214 appropriate, the sheriff may arrest any person found in the
 215 commercial real property for trespass, outstanding warrants, or
 216 any other legal cause.

217 (4) The sheriff is entitled to the same fee for service of
 218 the notice to vacate immediately as if the sheriff were serving
 219 a writ of possession under s. 30.231. After the sheriff serves
 220 the notice to vacate immediately, the property owner or
 221 authorized agent may request that the sheriff stand by to keep
 222 the peace while the property owner or agent of the owner changes
 223 the locks and removes the personal property of the unauthorized
 224 person or persons to or near the property line. When such a
 225 request is made, the sheriff may charge a reasonable hourly
 226 rate, and the person requesting the sheriff is responsible for
 227 paying such hourly rate. The sheriff is not liable to the
 228 unauthorized person or persons or any other party for loss,
 229 destruction, or damage to their personal property. The property
 230 owner or his or her authorized agent is not liable to an
 231 unauthorized person or persons or any other party for the loss,
 232 destruction, or damage to their personal property unless the

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233 removal was not in accordance with this section.

234 (5) A person may bring a civil cause of action for wrongful
 235 removal under this section. A person harmed by a wrongful
 236 removal under this section may be restored to possession of the
 237 commercial real property and may recover actual costs and
 238 damages incurred, statutory damages equal to triple the fair
 239 market rent of the commercial real property, court costs, and
 240 reasonable attorney fees. The court shall advance the cause on
 241 the calendar.

242 (6) This section does not limit the rights of a property
 243 owner or limit the authority of a law enforcement officer to
 244 arrest any unauthorized person for trespassing, vandalism,
 245 theft, or other crimes.

246 Section 3. Subsection (4) of section 806.13, Florida
 247 Statutes, is amended to read:

248 806.13 Criminal mischief; penalties; penalty for minor.—

249 (4) A person who unlawfully detains or occupies or
 250 trespasses upon a residential dwelling or commercial real
 251 property and who intentionally damages the dwelling or the
 252 commercial real property causing \$1,000 or more in damages
 253 commits a felony of the second degree, punishable as provided in
 254 s. 775.082, s. 775.083, or s. 775.084.

255 Section 4. Section 817.0311, Florida Statutes, is amended
 256 to read:

257 817.0311 Fraudulent sale or lease of ~~residential~~ real
 258 property.—A person who lists or advertises ~~residential~~ real
 259 property for sale knowing that the purported seller has no legal
 260 title or authority to sell the property, or rents or leases the
 261 property to another person knowing that he or she has no lawful

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262 ownership in the property or leasehold interest in the property,
 263 commits a felony of the first degree, punishable as provided in
 264 s. 775.082, s. 775.083, or s. 775.084.

265 Section 5. For the purpose of incorporating the amendments
 266 made by this act to sections 806.13 and 817.0311, Florida
 267 Statutes, in references thereto, paragraph (c) of subsection (1)
 268 of section 775.0837, Florida Statutes, is reenacted to read:

269 775.0837 Habitual misdemeanor offenders.—

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

271 (c) "Specified misdemeanor offense" means those misdemeanor
 272 offenses described in chapter 741, chapter 784, chapter 790,
 273 chapter 796, chapter 800, chapter 806, chapter 810, chapter 812,
 274 chapter 817, chapter 831, chapter 832, chapter 843, chapter 856,
 275 chapter 893, or chapter 901.

276 Section 6. For the purpose of incorporating the amendment
 277 made by this act to sections 806.13 and 817.0311, Florida
 278 Statutes, in references thereto, paragraph (a) of subsection (8)
 279 of section 895.02, Florida Statutes, is reenacted to read:

280 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

281 (8) "Racketeering activity" means to commit, to attempt to
 282 commit, to conspire to commit, or to solicit, coerce, or
 283 intimidate another person to commit:

284 (a) Any crime that is chargeable by petition, indictment,
 285 or information under the following provisions of the Florida
 286 Statutes:

287 1. Section 210.18, relating to evasion of payment of
 288 cigarette taxes.

289 2. Section 316.1935, relating to fleeing or attempting to
 290 elude a law enforcement officer and aggravated fleeing or

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291 eluding.

292 3. Chapter 379, relating to the illegal sale, purchase,

293 collection, harvest, capture, or possession of wild animal life,

294 freshwater aquatic life, or marine life, and related crimes.

295 4. Section 403.727(3)(b), relating to environmental

296 control.

297 5. Section 409.920 or s. 409.9201, relating to Medicaid

298 fraud.

299 6. Section 414.39, relating to public assistance fraud.

300 7. Section 440.105 or s. 440.106, relating to workers'

301 compensation.

302 8. Section 443.071(4), relating to creation of a fictitious

303 employer scheme to commit reemployment assistance fraud.

304 9. Section 465.0161, relating to distribution of medicinal

305 drugs without a permit as an Internet pharmacy.

306 10. Section 499.0051, relating to crimes involving

307 contraband, adulterated, or misbranded drugs.

308 11. Part IV of chapter 501, relating to telemarketing.

309 12. Chapter 517, relating to sale of securities and

310 investor protection.

311 13. Section 550.235 or s. 550.3551, relating to dogracing

312 and horseracing.

313 14. Chapter 550, relating to jai alai frontons.

314 15. Section 551.109, relating to slot machine gaming.

315 16. Chapter 552, relating to the manufacture, distribution,

316 and use of explosives.

317 17. Chapter 560, relating to money transmitters, if the

318 violation is punishable as a felony.

319 18. Chapter 562, relating to beverage law enforcement.

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320 19. Section 624.401, relating to transacting insurance

321 without a certificate of authority, s. 624.437(4)(c)1., relating

322 to operating an unauthorized multiple-employer welfare

323 arrangement, or s. 626.902(1)(b), relating to representing or

324 aiding an unauthorized insurer.

325 20. Section 655.50, relating to reports of currency

326 transactions, when such violation is punishable as a felony.

327 21. Chapter 687, relating to interest and usurious

328 practices.

329 22. Section 721.08, s. 721.09, or s. 721.13, relating to

330 real estate timeshare plans.

331 23. Section 775.13(5)(b), relating to registration of

332 persons found to have committed any offense for the purpose of

333 benefiting, promoting, or furthering the interests of a criminal

334 gang.

335 24. Section 777.03, relating to commission of crimes by

336 accessories after the fact.

337 25. Chapter 782, relating to homicide.

338 26. Chapter 784, relating to assault and battery.

339 27. Chapter 787, relating to kidnapping, human smuggling,

340 or human trafficking.

341 28. Chapter 790, relating to weapons and firearms.

342 29. Chapter 794, relating to sexual battery, but only if

343 such crime was committed with the intent to benefit, promote, or

344 further the interests of a criminal gang, or for the purpose of

345 increasing a criminal gang member's own standing or position

346 within a criminal gang.

347 30. Former s. 796.03, former s. 796.035, s. 796.04, s.

348 796.05, or s. 796.07, relating to prostitution.

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- 349 31. Chapter 806, relating to arson and criminal mischief.
 350 32. Chapter 810, relating to burglary and trespass.
 351 33. Chapter 812, relating to theft, robbery, and related
 352 crimes.
 353 34. Chapter 815, relating to computer-related crimes.
 354 35. Chapter 817, relating to fraudulent practices, false
 355 pretenses, fraud generally, credit card crimes, and patient
 356 brokering.
 357 36. Chapter 825, relating to abuse, neglect, or
 358 exploitation of an elderly person or disabled adult.
 359 37. Section 827.071, relating to commercial sexual
 360 exploitation of children.
 361 38. Section 828.122, relating to fighting or baiting
 362 animals.
 363 39. Chapter 831, relating to forgery and counterfeiting.
 364 40. Chapter 832, relating to issuance of worthless checks
 365 and drafts.
 366 41. Section 836.05, relating to extortion.
 367 42. Chapter 837, relating to perjury.
 368 43. Chapter 838, relating to bribery and misuse of public
 369 office.
 370 44. Chapter 843, relating to obstruction of justice.
 371 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 372 s. 847.07, relating to obscene literature and profanity.
 373 46. Chapter 849, relating to gambling, lottery, gambling or
 374 gaming devices, slot machines, or any of the provisions within
 375 that chapter.
 376 47. Chapter 874, relating to criminal gangs.
 377 48. Chapter 893, relating to drug abuse prevention and

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- 378 control.
 379 49. Chapter 896, relating to offenses related to financial
 380 transactions.
 381 50. Sections 914.22 and 914.23, relating to tampering with
 382 or harassing a witness, victim, or informant, and retaliation
 383 against a witness, victim, or informant.
 384 51. Sections 918.12 and 918.13, relating to tampering with
 385 jurors and evidence.
 386 Section 7. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 348

INTRODUCER: Ethics and Elections Committee; Senators Gaetz and Collins

SUBJECT: Ethics

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cleary	Roberts	EE	Fav/CS
2.	Proctor	Proctor	MS	Favorable
3.	Cleary	Yeatman	RC	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 348 makes the following changes to Florida’s ethics laws:

- Adds to the Code of Ethics a “stolen valor” provision prohibiting candidates, elected public officers, appointed public officers, and public employees from knowingly making certain fraudulent representations relating to military service.
- Expands the Attorney General’s existing authority to seek wage garnishment for unpaid fines imposed for failure to timely submit a required financial disclosure to also allow wage garnishment for other violations of ethics laws, if certain conditions are met.

The bill takes effect July 1, 2025.

II. Present Situation:

Commission on Ethics

The Commission on Ethics (commission) was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.¹ The Florida Constitution and state law designate the commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.² Constitutional duties of the

¹ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 14, 2025).

² Section 8(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.³ In addition to constitutional duties, the commission in part:

- Renders advisory opinions to public officials;⁴
- Conducts investigations into potential violations of the Code of Ethics or Florida Constitution based on referrals from select government agencies;⁵
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;⁶
- Administers the executive branch lobbying registration and reporting Laws;⁷
- Maintains financial disclosure filings of constitutional officers and state officers and employees;⁸ and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.⁹

The Attorney General serves as counsel for the commission.¹⁰

Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)¹¹ establishes ethical standards for public officials and is intended to “ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.”¹² The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, investigations and prosecutions of ethics complaints and referrals for alleged ethics violations, and the commission, among others.¹³

Unpaid Fines Imposed for Ethics Laws Violations

Current law prescribes automatic fines for late-filed financial disclosures¹⁴ and authorizes wage garnishment of public officers or public employees for unpaid fines.¹⁵

³ Section (8)(g), art. II, Fla. Const.

⁴ Section 112.322(3)(a), F.S.

⁵ Section 112.324(1)(b), F.S.

⁶ Section 112.322(2)(b), F.S.

⁷ Sections 112.3215, 112.32155, F.S.

⁸ Section 112.3144, F.S.

⁹ Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.

¹⁰ Rule 34-5.006(1)(3), F.A.C.; r. 34-17.010(1)(3), F.A.C.

¹¹ See Pt. III, Ch. 112, F.S.; *see also* Art. II, s. 8(h)1, Fla. Const.

¹² Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 14, 2025).

¹³ See Pt. III, Ch. 112, F.S.

¹⁴ Section 112.31455, F.S.

¹⁵ *Id.* The law requires the Commission to determine whether the person who owes the fines is a current public officer or current public employee. If the Commission determines that the person is a current public officer or current public employee, then it may notify the Chief Financial Officer or governing body/board of the amount owed. After receipt and verification of the notice, the Chief Financial Officer or governing body/board must withhold the lesser of 10 percent, or the maximum allowable under federal law, from any salary-related payment. Florida’s wage garnishment laws are located in Title XV, Chapter 222, and Title VI, Chapter 77 of the Florida Statutes. But Florida has not imposed any stricter limits, so federal law

For unpaid fines that were imposed as a result of other ethics laws violations, commission counsel must seek judgments from courts.¹⁶ Wage garnishment is not authorized for such other violations.

“Stolen Valor”

Generally, “stolen valor” is the term used to describe the occurrence of an individual falsely representing himself or herself as a decorated military servicemember in an attempt to receive something of value for patriotic service that he or she never completed.¹⁷ Because of the accomplishments and sacrifices of military members, they are often bestowed in society with reverence, honor, and respect and afforded social, economic, and financial benefits for their earned accomplishments, service, and sacrifice.¹⁸ Further, studies have shown, due to the reverence citizens have to those who serve in the armed forces, citizens may be influenced to vote for such a candidate and under certain circumstances that might be determinative in an election.¹⁹

Documented cases involving stolen valor nationwide and in Florida²⁰ have led federal and state governments to attempt to regulate and punish offenders of stolen valor through legislation.

governs in Florida; *See* Consumer Credit Protection Act (“CCPA”) – 15 U.S.C. 1673(a) (The CCPA limits the amount of an individual’s disposable earnings available for garnishment. The limits are different for consumer debts, family support payments (child support and alimony), debts owed for federal or state taxes, and personal bankruptcy. Consumer debts include all debts not covered by the other categories. Garnishment for consumer debts must not exceed the lower of: 25 percent of disposable earnings, or, the amount by which disposable earnings exceed 30 times the federal minimum wage multiplied by the number of weeks (or part of a week worked); *See also Fact Sheet #30: Wage Garnishment Protections of the Consumer Credit Protections Act (CCPA)* United States Department of Labor Wage and Hour Division Web Page (last visited February 14, 2025, <https://www.dol.gov/agencies/whd/fact-sheets/30-cppa>; *Field Operations Handbook Chapter 16 Title III (PDF) – Consumer Credit Protection Act (Wage Garnishment)* United States Department of Labor Website (Last visited February 14, 2025), available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FOH_Ch16.pdf.

¹⁶ Section 112.317(2), F.S.

¹⁷ *See* 18 U.S.C. § 704. The definition of stolen valor varies by each state depending on the state's stolen valor law.

¹⁸ *See Porter v. McCollum*, 558 U.S. ___, 130 S. Ct. 447 (2009) (per curiam) (The United States Supreme Court recognized the effect of decorated military service on public perceptions and behavior noting, for example in the context of sentencing “[o]ur Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines . . .”).

¹⁹ *See* Jeremy M. Teigen, *Do military veterans really win more elections? Only in ‘purple’ districts*, *The Washington Post*, (July 20, 2017), available at <https://www.washingtonpost.com/news/monkey-cage/wp/2017/07/20/do-military-veterans-really-win-more-elections-only-in-purple-districts/>. Studies conducted showed Americans have a very high confidence in the military as an institution; no other institution enjoys higher levels. Status as a veteran had the biggest impact for candidates in primaries and in districts where the odds of winning are even for both parties “Purple Districts.”

²⁰ *See e.g. Polk man accused of stolen valor facing more charges as second victim comes forward*, *News Channel 8 Website*, (updated Feb 20, 2017), <https://www.wfla.com/news/polk-man-accused-of-stolen-valor-facing-more-charges-as-second-victim-comes-forward/>; *Stolen Valor: Man accused of impersonating Seal Team 6 member to solicit money outside WaWa*, *Tampa Bay Times*, (Published Aug. 14, 2015), <https://www.tampabay.com/news/publicsafety/crime/man-accused-of-military-impersonation-while-soliciting-money-for-veterans/2241216/>; Clifford Davis, *Document Jacksonville veteran showed First Coast News, claiming Times-Union error, is fraudulent*, *The Florida Times-Union* (Published 9:31 p.m. ET July 11, 2015), <https://www.jacksonville.com/story/news/2015/07/12/document-jacksonville-veteran-showed-first-coast-news-claiming-times/15671285007/>; Gary Detman, *Stolen Valor: Marine vet accused of misrepresenting the military, grand theft*, *12 News* (Updated Mon, November 26th 2018 at 4:08 PM), <https://cbs12.com/news/local/stolen-valor-marine-vet-accused-of-misrepresenting-the-military-grand-theft/>; *St. Lucie County Resident Sentenced for Falsely Claiming Veteran Status and Theft of Government Benefits*, United States Attorney’s Office Southern District of Florida Webpage (Monday February 4, 2019, <https://www.justice.gov/usao-sdfl/pr/st-lucie-county-resident-sentenced-falsely-claiming-veteran-status-and-theft-government>); Jesse Scheckner, *Stolen Valor or smear? Police union PAC says Sheriff candidate lied about Army Service*,

Federal Law

Prior to the Stolen Valor Act of 2005, it was only a crime to physically wear an unearned medal of valor.²¹ Courts interpreting that originally enacted language found the prohibition on falsely wearing or displaying military honors is constitutional.²² But, finding that the existing narrow prohibition did not deter individuals from making false claims about receiving medals, Congress in 2005 passed the 2005 Act,²³ which aimed to broaden the law enforcement’s capabilities to pursue not only those individuals who falsely display military medals, but also those who make false claims regarding earning military honors.²⁴ Specifically, section 704(b) of the Act punished individuals for falsely representing verbally or in writing to have been awarded a decoration or medal authorized by Congress for the armed forces.²⁵

In 2012, The United States Supreme Court in the case *United States v. Alvarez* addressed the constitutionality of the 2005 Act’s prohibition on false written or oral statements regarding the earning of a enumerated list of military medals or honors under Subsection 704(b) of the Act.²⁶ Alvarez an elected Director of a local water district board in California, at a public meeting, while introducing himself, lied about serving in the military and receiving the Congressional Medal of Honor.²⁷

The Supreme Court majority struck down Subsection 704(b) of the Act, finding that the false statements made by Alvarez, consisting of lies about being in the military and being awarded certain medals, were protected speech under the first amendment and that Subsection 704(b)’s regulation of such speech constituted a content-based restriction on pure speech.²⁸ Because

(Florida Politics), <https://floridapolitics.com/archives/687697-stolen-valor-or-smear-police-union-pac-says-sheriff-candidate-lied-about-army-service/>; Jacob Ogles, *Tal Siddique worked for the Air Force but never in uniform. Did he cross the ‘stolen valor’ line?* Florida Politics, (August 9, 2024), <https://floridapolitics.com/archives/688875-tal-siddique-worked-for-the-air-force-but-never-in-uniform-did-he-cross-the-stolen-valor-line/>; Ryan Gillespie, *Vets Find Military Records, Including Lake Candidate, Often Embellished*, Orlando Sentinel (Oct. 22, 2016), <http://www.orlandosentinel.com/news/lake/os-groveland-stolen-valor-20161021-story.html>.

²¹ See 18 U.S.C. § 1425 (1949) (prohibiting unauthorized wearing of Army and Navy decorations); *But see* 18 U.S.C. § 704 (1952) (adapting this version of the act from § 1425 “knowingly wear[ing], manufactur[ing], or sell[ing]” any military medal or ribbon without authorization under military regulations.”).

²² See *Schact v. United States*, 398 U.S. 58, 61-61 (1970) (holding that prohibition against wearing military uniforms without authorization is facially constitutional); *See also United States v. Perelman*, 737 F. Supp. 2d 1221, 1238-39 (D. Nev. 2010) (holding that prohibition against wearing military medals without authorization under 18. U.S.C. § 704(a) is merely an incidental restriction on First Amendment rights that is outweighed by the substantial government interest in protecting the reputation of military awards that Congress has power to pursue through its power to make all laws necessary and proper to raise and support armies).

²³ Public Law 109 - 437 - Stolen Valor Act of 2005, 18 U.S.C. § 704(b) (2006). (“(b) False Claims About Receipt of Military Decorations or Medals. Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.”).

²⁴ *See, e.g.*, 151 Cong. Rec. 12,684, 12,688 (2005) (statement of Sen. Kent Conrad).

²⁵ 18 U.S.C. § 704(b).

²⁶ *United States v. Alvarez*, 567 U.S. 709 (2012).

²⁷ *Id.*, 567 U.S. at 713–14.

²⁸ *Id.*, 567 U.S. at 730-731. (the case was a 6-3 decision, the majority consisting of a Plurality opinion authored by Justice Kennedy and Concurring opinion authored by Justice Breyer).

Alvarez's false statements were protected speech, the government had to show adequate justification for the statute but failed to do so.²⁹

Importantly, the Court suggested how a statute could be drafted to pass constitutional muster if properly narrowed, appearing to link constitutionality to a prohibition against fraud.³⁰

Within a year of the United States Supreme Court's decision in *Alvarez*, Congress passed the Stolen Valor Act of 2013. The revised act narrowed the scope of the prohibition on falsely holding oneself out to be a recipient of certain military decorations by only subjecting those, who with the *intent to obtain money, property, or other tangible benefit, fraudulently hold themselves out to be a recipient* of certain military decorations.³¹ The 2013 Act also added an additional element of specific intent requiring that the fraud was committed for the purpose of obtaining money, property, or other tangible benefit.³² Further, the term "tangible benefit" was intended to cover those "valuable considerations" beyond money or property, such as offers of employment, which Justice Kennedy identified as appropriately prohibited benefits to a fraud.³³ The 2013 Act remains current federal law and has not been constitutionally challenged.

²⁹ *Id.*, 567 U.S. at 724. (within the majority, the Justices disagreed on the proper level of scrutiny to apply, with the Plurality choosing "exacting" scrutiny (strict scrutiny) and the Concurrence applying "intermediate" scrutiny. Both the Plurality and Concurrence found the government had an adequate government interest for the statute protecting the integrity of military honors. Both the Plurality and Concurrence determined that the Act was overbroad and not narrowly tailored enough to pass constitutional muster).

³⁰ The majority held that lies involving objective facts, such as lying about receiving a military medal, were constitutionally protected speech. *Id.* at 722. But the majority held that fraudulent speech is unprotected speech under the First Amendment and laws regulating fraudulent speech are constitutionally permissible. *Id.* at 723. The Plurality held there are a specific list of historically recognized categories of speech that are unprotected by the First Amendment and that fraudulent speech is one of those categories. *Id.* at 717-18. Therefore, regulations of fraudulent speech are constitutionally permissible. *Id.* The Concurrence rejected the Plurality's strict categorical analysis and instead argued each case should be reviewed under an intermediate scrutiny or proportionality review. *Id.* at 732. But the Concurrence agreed with the Plurality that statutes regulating fraud are constitutionally permissible because fraud statutes contain certain characteristics to ensure the law is properly narrowed to only regulate the unprotected fraudulent speech. *Id.* at 738-39. The Court in its reasoning made specific suggestions about how the Act could be amended to become constitutionally permissible. Specifically, Justice Kennedy for the Plurality, found the fatal flaw of the 2005 Act was that it "applie[d] to a false statement made at any time, in any place, to any person . . . And it does so entirely without regard to whether the lie was made for the purpose of material gain." *Id.* at 722-23. He continued that "[w]here false claims are made to effect a fraud or secure moneys or other valuable considerations, say offers of employment, it is well established that the Government may restrict speech without affronting the First Amendment." *Id.* at 723. In this reasoning, Justice Kennedy was suggesting that the 2005 Act would be constitutional if it had focused on limiting fraudulent speech. Similarly, Justice Breyer for the Concurrence, reasoned a "more finely tailored statute" would be constitutional, if the statute required knowledge or falsity and "insist[ed] upon a showing that the false statement caused specific harm or at least was material, or focus its coverage on lies most likely to be harmful or on contexts where such lies are most likely to cause harm." *Id.* at 738; *See also United States v. Bonin*, 932 F.3d 523, 536 (7th Cir. 2019) *quoting McBride v. CSX Transp., Inc.*, 598 F.3d 388, 405 (7th Cir. 2010) (Court stating why they were following the Supreme Court's guidance in *Alvarez*, "[a]lthough the Court's observations on § 912 arose in dicta, they inform us where the Court stands. '[W]e must treat with great respect the prior pronouncements of the Supreme Court, even if those pronouncements are technically dicta.'").

³¹ H. Rept. 113-84 (2013).

³² *Id.*

³³ *Id.*

Florida Law

Florida's Military Code prohibits an unauthorized person from wearing a United States military uniform, any part of such uniform, or any similar uniform.³⁴ The prohibition does not require an intent to deceive. A violation of the prohibition is a first-degree misdemeanor. The law was challenged on First Amendment grounds in *State v. Montas*.³⁵ The Florida Fifth District Court of Appeals held that s. 250.43, F.S. was unconstitutionally overbroad and violates due process.³⁶

Under Florida's criminal code, a person may not misrepresent himself or herself as a member or veteran of the military or wear the uniform of, medal, or insignia of the military without authorization while soliciting for charitable contributions or for the purpose of material gain, including, but not limited to, obtaining employment or public office resulting in compensation.³⁷ The law allows individuals engaged in theatrical performances to wear military uniforms, medals, or insignia while performing.³⁸ A person who violates this law commits a felony of the third degree.³⁹

Current law also subjects candidates to a civil fine of up to \$5,000 for falsely representing in an election that they have served, or are serving, in the nation's military.⁴⁰

Stolen Valor Laws in Other States

Half the states today have laws specifically relating to stolen valor.⁴¹ After the United States Supreme Court decision in *Alvarez* and passage of the 2013 Act, the states reformed or drafted

³⁴ Section 250.43, F.S.

³⁵ 99 So. 2d 1128 (Fla. 5th Dist. 2008).

³⁶ *Id.*, 99 So. 2d at 1132. The court held that the statute addressed a compelling state interest in ensuring that the public is not deceived by people impersonating members of the military but failed to be narrowly tailored to ensure that there is no more infringement than is necessary to protect those interests because the statute has the potential to criminalize wholly innocent conduct. Further, the court found that the statute was overbroad and violated due process because it failed to include a specific intent element/requirement therefore the statute did not differentiate between innocent conduct and conduct intended to deceive the public and the court could not read a specific intent element into the statute as it is written.

³⁷ Section 817.312(1)(a) F.S.

³⁸ Section 817.312(1)(b), F.S.

³⁹ Section 817.312(2), F.S.; *See also* Local, Federal, and Veterans Affairs Subcommittee Hearing on HB 205 (November 6, 2019), <https://www.flhouse.gov/VideoPlayer.aspx?eventID=3057> (the original version of s. 817.312 became law in 2010, before the United States Supreme Court's opinion in *Alvarez*. In 2020, in response to the United States Supreme Court decision in *Alvarez*, and the continued documented cases of Stolen Valor in Florida the Legislature amended the law through CS/CS/HB 205. Co-Introducer Representative Sabatini stated that the bill was designed to clarify and further narrow the existing law's scope to further confirm with constitutional precedent. The bill was aimed at preventing candidates for public office from falsely misrepresenting that they had served in or had been awarded certain military awards in order to obtain employment or public office. Representative Sabatini stated that the bill was designed to provide clarity and a message to state prosecutors that s. 817.312, applied to these individuals and that they should be prosecuted under the law, which he suggested was not happening due to the uncertainty of the statute's current language. He stated the refining of the term "material gain" was designed to comply with constitutional precedents to appropriately narrow the statute, balancing the important rights under the First Amendment, while also protecting the public and individuals from harm.).

⁴⁰ Section 104.2715, F.S., This statute was introduced as SB 330 during the 2011 Regular Legislative Session before the Supreme Court's decision in *United States v. Alvarez*.

⁴¹ (**Alabama**) Ala.Code 1975 § 13A-8-10.5; (**Arkansas**) A.C.A. § 5-37-218; (**California**) Cal.Gov.Code § 3003 and Cal.Penal Code § 532b; (**Connecticut**) C.G.S.A § 53-378; (**Delaware**) 11 Del.C § 907C; (**Florida**) F.S.A § 817.312 and F.S.A § 104.2715; (**Georgia**) Ga. Code Ann., § 16-9-63; (**Illinois**) 20 ILCS 1805/101; (**Kentucky**) KRS § 434.444; (**Maine**) 17-A M.R.S.A. § 354; (**Massachusetts**) M.G.L.A. 272 § 106; (**Minnesota**) M.S.A. § 609.475; (**Missouri**) V.A.M.S.

their statutes to meet the Supreme Court's guidance by drafting their statutes to fall under a category of fraud. For example, states have included a knowledge and specific intent requirement to deceive for the purpose of obtaining a material benefit.⁴² Some state statutes mirror the 2013 Act, limiting the prohibition to fraudulent misrepresentations involving medals or honors.⁴³ Other state statutes prohibit further fraudulent representations involving other subject matters beyond military medals.⁴⁴ Some state statutes require that the offender actually obtain the benefit sought as a result of the fraud.⁴⁵ Other state statutes, like the 2013 Act, only require the act of the fraudulent representation with the specific intent.⁴⁶ States, similar to the 2013 Act, have defined the fraudulent benefit sought beyond merely financial to include other valuable considerations.⁴⁷

III. Effect of Proposed Changes:

Stolen Valor

The bill creates a new section, s. 112.3131, F.S., under the Code of Ethics.

This section provides definitions for the terms "Armed Forces of the United States,"⁴⁸ "Servicemember,"⁴⁹ and "Material gain".⁵⁰ The definition of "Material gain" includes a detailed nonexclusive list of material valuable considerations beyond money or property.

570.350; **(Nebraska)** Neb.Rev.St. § 28-645; **(Nevada)** N.R.S. 205.412; **(New Jersey)** N.J.S.A. 38A:14-5; **(New Mexico)** N.M.S.A. 1978. § 20-11-5; **(Oklahoma)** 72 Okl.St. Ann. § 6-1; **(Oregon)** O.R.S. § 162.365; **(Pennsylvania)** 18 Pa.C.S.A. § 6701; **(Rhode Island)** Gen.Laws 1956 §11-70-1; **(South Carolina)** Code 1976 § 16-17-760; **(Tennessee)** T.C.A. § 39-16-301; **(Texas)** V.T.C.A. Penal Code § 32.54; **(Utah)** U.C.A. 1953 § 76-9-706; **(Virginia)** VA Code Ann. § 18-2-177.1; **(Wisconsin)** W.S.A. 946.78.

⁴² See **(Pennsylvania)** 18 Pa.C.S.A. § 6701 (with intent to obtain money, property or other benefit); See **(Delaware)** 11 Del.C. § 907C. (with the purpose of obtaining money, property, or other tangible benefit); **(Alabama)** Ala.Code 1975 § 13A-8-10.5 (in order to receive, or attempt to receive, a material gain).

⁴³ See **(Connecticut)** C.G.S.A. § 53-378.

⁴⁴ See **(Kentucky)** KRS § 434.444 (prohibition on misrepresenting: current or former military status, entitlement to wearing military awards, serving in a combat zone, any actual military service); **(Arkansas)** A.C.A. § 5-37-218 (prohibition on misrepresenting: being an active member of military or veteran; being recipient of a military decoration; awarded qualification or military occupational specialty; being a prisoner of war). See also **(California)** Cal.Penal Code § 532b.

⁴⁵ See **(Massachusetts)** M.G.L.A. 272 § 106 (obtains money, property, or another tangible benefit through such fraudulent representation); See also **(Nebraska)** Neb.Rev.St. § 28-645; **(Nevada)** N.R.S. 205.412.

⁴⁶ See **(Connecticut)** C.G.S.A. § 53-378; **(Pennsylvania)** 18 Pa.C.S.A. § 6701; **(South Carolina)** Code 1976 § 16-17-760.

⁴⁷ **(South Carolina)** Code 1976 § 16-17-760 (government benefits, employment or personnel advancement, effect outcome of criminal or civil court proceeding, effect on an election (presumed if the representation is made by a candidate for public office)); **(Texas)** V.T.C.A. Penal Code § 32.54 (government resources, employment preference, obtain license or certificate to practice in profession, obtain promotion, obtain donation, obtain admission in educational program, gain position in government with authority over another person, regardless of whether the actor receives compensation for the position); **(Wisconsin)** W.S.A. 946.78 (financial, an effect on criminal or civil proceeding, an effect on an election, any state benefit for military); See also **(California)** Cal.Penal Code § 532b; **(Georgia)** Ga. Code Ann., § 16-9-63.

⁴⁸ "Armed Forces of the United States" has the same meaning as in s. 250.01 and includes the National Guard of any state ("means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.").

⁴⁹ "Servicemember" has the same meaning as in s. 250.01 ("means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.").

⁵⁰ "Material gain," ("means anything of value, regardless of whether such value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food; lodging; compensation; travel expenses; placards; public benefits; public relief; financial relief; obtaining or retaining employment or a promotion in such individual's current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or

This section prohibits a candidate, an elected public officer, an appointed public officer, or a public employee, for the purpose of material gain, from knowingly doing any of the following:

- Making fraudulent representations that he or she is or was a servicemember or veteran of the Armed Forces of the United States.
- Making fraudulent representations that he or she was a recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service from a nonexclusive list of medals and honors.⁵¹
- Making fraudulent representations that he or she is a holder of an awarded qualification or military occupational specialty from a nonexclusive list.⁵²
- Making fraudulent representations that he or she actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations, or was a prisoner of war.
- Wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which he or she is not authorized to wear.
 - This subsection does not prohibit individuals in the theatrical profession from wearing such uniforms, medals, or insignia during a performance while engaged in such profession.

Violators of this section are subject to the administrative penalties under s. 112.317, F.S., of the Code of Ethics.⁵³

This section does not preclude prosecution for similar conduct which is prohibited by another law.⁵⁴

Wage Garnishment

The bill creates new paragraphs (b)-(d) to s. 112.317(2), F.S., giving the Commission through the Attorney General's office a greater ability to collect unpaid fines, stemming from judgements of ethics complaints.⁵⁵ Paragraph (b) establishes that a civil penalty or restitution penalty, for

renumeration for his or her service in the position; obtaining or retaining state or local public office through election or appointment; or anything in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis.”).

⁵¹ Nonexclusive list of honors includes: Air Force Combat Action Medal; Air Force Cross; Combat Action Badge; Combat Action Ribbon; Combat Infantryman Badge; Combat Medical Bage, Distinguished Service Cross; Medal of Honor; Navy Cross; Purple Heart; Silver Star Medal.

⁵² Nonexclusive list includes: Aircraft Pilot, Navigator, or Crew Member; Explosive Ordinance Disposal Technician; Parachutist; United States Army Ranger; United States Navy Seal or Diver; United States Special Operations Forces Member.

⁵³ Penalties under the Code of Ethics for public officers may include: impeachment, removal from office, suspension from office, public censure and reprimand, forfeiture of no more than 1/3 of his salary per month for no more than 12 months, civil penalty up to \$20,000, and restitution. Penalties for employees may include: dismissal, suspension for up to 90 days without pay, demotion, reduction in salary level, forfeiture of no more than 1/3 of salary per month for no more than 12 months, civil penalty up to \$20,000, restitution, and public censure and reprimand. Penalties for a candidate may include: disqualification from being on the ballot, public censure, reprimand, and civil penalty up to \$20,000.

⁵⁴ See e.g., s. 250.43, F.S.; s. 817.312, F.S.; s. 104.2715, F.S.

⁵⁵ See Kerrie Stillman, Executive Director on Commission on Ethics Memorandum: Legislative Recommendations for 2025 (November 20, 2024), available at <https://ethics.state.fl.us/Documents/Ethics/MeetingAgendas/Dec24Materials/LegislativeReport.pdf> (Salary Withholding for Complaint Penalties was one of the Commission on Ethics Legislative Recommendations for 2025).

violations of the Code of Ethics, is considered delinquent if the individual has not paid such penalty within 90 days after the penalty is imposed by the commission. Paragraph (b) requires the Attorney General to determine whether the person who owes the fine is a current public officer or current public employee. If the Attorney General determines that the person is a current public officer or current public employee, then the Attorney General must notify the Chief Financial Officer or governing body/board of the amount owed. After receipt and verification of the notice, the Chief Financial Officer or governing body/board must withhold the lesser of 25 percent, or the maximum allowable under federal law from any salary-related payment. Additionally, the Chief Financial Officer or the governing body or board may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred.

Under paragraph (c), the Attorney General may refer any unpaid civil penalty or restitution penalty to the appropriate collection agency as directed by the Chief Financial Officer and such collection agency may use any collection method authorized by law.

Under paragraph (d), the bill creates a 20-year statute of limitations for the Attorney General to collect any unpaid civil penalty or restitution penalty stemming from a violation of the Code of Ethics in an ethics complaint.

The bill becomes effective 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:

The United States Supreme Court has issued numerous opinions defining the constitutional parameters of regulating speech under the First Amendment. Analyzing the constitutionality of a statute regulating speech involves a multistep analysis: Does the statute regulate speech based upon its content?⁵⁶ If the speech qualifies as a content-

⁵⁶ *Rappa v. New Castle Cnty.*, 18 F.3d 1043, 1053 (3d Cir. 1994) (“[T]he first step in First Amendment analysis has been to determine whether a statute is content-neutral or content-based.”); *See Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622,

based regulation, does the regulated speech fall into a category of unprotected speech under the First Amendment?;⁵⁷ and, even if the speech qualifies as unprotected speech, is the regulation impermissibly vague⁵⁸ and drafted to be viewpoint neutral?⁵⁹

The United States Supreme Court in *Alvarez*, held, in striking down the Stolen Valor Act of 2005, that mere lies involving receiving honors are protected speech under the First Amendment and that a statute, such as the 2005 Act, regulating such speech is a content-based regulation.⁶⁰ A content-based regulation must pass a higher standard of review to be constitutional.⁶¹ The 2005 Act was struck down as failing that higher standard test because it was overbroad regulating protected speech and not adequately narrowly tailored.⁶² The Supreme Court in *Alvarez* held that a statute regulating fraudulent speech is constitutionally permissible and not subject to the higher standard of review because fraudulent speech is an unprotected category of speech under the First Amendment.⁶³ The Supreme Court in *Alvarez*, suggested a statute regulating fraudulent speech drafted to require a knowledge, and specific intent element, would be constitutionally permissible and not overbroad, so long as the statute was not vague and is viewpoint neutral.⁶⁴ (For further detail refer to the Present Situation “Stolen Valor” section above).

This bill prohibits public officials from making fraudulent representations regarding military service for the purpose of material gain.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

643, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994). “Content-based regulations are defined as those that distinguish favored from disfavored speech based on the ideas expressed.”

⁵⁷ *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571-572 (1942).

⁵⁸ *See Alvarez*, 567 U.S. at 572-73; *See e.g. Reno v. ACLU*, 521, ACLU U.S 844, 871-72 (1997).

(A statute is void for vagueness under a First Amendment analysis because it chills protected speech by encouraging individuals to self-censor their lawful speech for fear of prosecution).

⁵⁹ *See Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829, 115 S. Ct. 2510, 2516, 132 L. Ed. 2d 700 (1995) (Viewpoint discrimination occurs whenever a government targets “not [a] subject matter, but particular views taken by speakers on a subject....”).

⁶⁰ *Alvarez*, 567 U.S. at 730-31.

⁶¹ *Id.*, 567 U.S. at 724. (within the majority, the Justices disagreed on the proper level of scrutiny to apply to lies involving military awards, with the Plurality choosing “exacting” scrutiny (strict scrutiny) and the Concurrence applying “intermediate” scrutiny.; *See ACLU v. Ashcroft*, 322 F.3d 240, 251 (3d Cir.2003) quoting *Sable Commc'ns of California, Inc. v. F.C.C.*, 492 U.S. 115, 126, (1989) (“Strict scrutiny requires that a statute (1) serve a compelling governmental interest; (2) be narrowly tailored to achieve that interest; and (3) be the least restrictive means of advancing that interest.”); *See United States v. O'Brien*, 391 U.S. 367, 377 (1968) (Intermediate scrutiny requires that a regulation “(1) furthers an important or substantial governmental interest; (2) the governmental interest is unrelated to the suppression of free expression; and (3) the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.”).

⁶² *Alvarez*, 567 U.S. at 730-731.

⁶³ *Id.*, 567, U.S. at 723.

⁶⁴ *Id.*, 567 U.S. at 722-23 (Plurality) and 738 (Concurrence).

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is an indeterminate fiscal impact on the commission, Attorney General and the Chief Financial Officer, but most likely any fiscal impact will be insignificant.

Any fiscal impact would be due to increases in expenses and man hours due to potential increases in the number of complaints received, investigated, and enforced, involving the new prohibition under s. 112.3121, F.S., as well as the greater ability to collect unpaid fines stemming from judgements of ethics complaints.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 112.317.
This bill creates the following section of the Florida Statutes: 112.3121.

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 Ethics and Elections on February 18, 2025:

- Adds a provision to proposed paragraph (b) of s. 112.317 that a civil penalty or restitution penalty, for violations of the Code of Ethics, is considered delinquent if the individual has not paid such penalty within 90 days after the penalty is imposed by the commission.

B. Amendments:

None.

By the Committee on Ethics and Elections; and Senators Gaetz and Collins

582-01987-25

2025348c1

1 A bill to be entitled
 2 An act relating to ethics; creating s. 112.3131, F.S.;
 3 defining terms; prohibiting candidates, elected public
 4 officers, appointed public officers, and public
 5 employees from knowingly misrepresenting their Armed
 6 Forces of the United States service records, awards,
 7 or qualifications or wearing any uniform, medal, or
 8 insignia that they are not authorized to wear;
 9 providing applicability; providing civil penalties;
 10 providing construction; amending s. 112.317, F.S.;
 11 specifying when certain penalties imposed by the
 12 Commission on Ethics are considered delinquent;
 13 requiring the Attorney General to attempt to determine
 14 whether an individual owing certain penalties is a
 15 current public officer or public employee; requiring
 16 the Attorney General to notify the Chief Financial
 17 Officer or the governing body of a county,
 18 municipality, school district, or special district of
 19 the total amount of any such penalty owed by a current
 20 public officer or public employee; requiring the Chief
 21 Financial Officer or the governing body to begin
 22 withholding portions of any salary-related payment
 23 that would otherwise be paid to the officer or
 24 employee; requiring that the withheld payments be
 25 remitted to the commission until the penalty is
 26 satisfied; authorizing the Chief Financial Officer or
 27 the governing body to retain a portion of each
 28 retained payment for administrative costs; authorizing
 29 the Attorney General to refer certain unpaid fines to

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30 a collection agency; authorizing the collection agency
 31 to use any lawful collection method; authorizing the
 32 Attorney General to collect an unpaid fine within a
 33 specified period after issuance of the civil penalty
 34 or restitution penalty; providing an effective date.
 35

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

37
 38 Section 1. Section 112.3131, Florida Statutes, is created
 39 to read:

40 112.3131 Stolen valor.-

41 (1) For the purposes of this section, the term:

42 (a) "Armed Forces of the United States" has the same
 43 meaning as the term "armed forces" in s. 250.01 and includes the
 44 National Guard of any state.

45 (b) "Material gain" means any thing of value, regardless of
 46 whether such value is monetary, remunerative, or tangible, which
 47 is received by or given to, or is intended to be received by or
 48 given to, an individual. The term includes, but is not limited
 49 to, food; lodging; compensation; travel expenses; placards;
 50 public benefits; public relief; financial relief; obtaining or
 51 retaining employment or a promotion in such individual's current
 52 employment or public employment, including gaining a position in
 53 state or local government with authority over another person,
 54 regardless of whether the individual receives compensation or
 55 remuneration for his or her service in the position; obtaining
 56 or retaining state or local public office through election or
 57 appointment; or any thing in which or for which a tangible
 58 benefit was gained, even if the value of such benefit is de

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59 minimis.

60 (c) "Servicemember" has the same meaning as in s. 250.01.

61 (2) (a) A candidate, an elected public officer, an appointed
 62 public officer, or a public employee may not, for the purpose of
 63 material gain, knowingly do any of the following:

64 1. Misrepresent by making false, fictitious, or fraudulent
 65 statements or representations, directly or indirectly, that he
 66 or she is or was a servicemember or veteran of the Armed Forces
 67 of the United States.

68 2. Misrepresent by making false, fictitious, or fraudulent
 69 statements or representations, directly or indirectly, that he
 70 or she is or was the recipient of a decoration, medal, title, or
 71 honor from the Armed Forces of the United States or otherwise
 72 related to military service, including, but not limited to, any
 73 of the following:

74 a. Air Force Combat Action Medal.

75 b. Air Force Cross.

76 c. Combat Action Badge.

77 d. Combat Action Ribbon.

78 e. Combat Infantryman Badge.

79 f. Combat Medical Badge.

80 g. Distinguished Service Cross.

81 h. Medal of Honor.

82 i. Navy Cross.

83 j. Purple Heart.

84 k. Silver Star Medal.

85 3. Misrepresent by making false, fictitious, or fraudulent
 86 statements or representations, directly or indirectly, that he
 87 or she is a holder of an awarded qualification or military

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88 occupational specialty, including, but not limited to, any of
 89 the following:

90 a. Aircraft pilot, navigator, or crew member.

91 b. Explosive Ordinance Disposal Technician.

92 c. Parachutist.

93 d. United States Army Ranger.

94 e. United States Navy Seal or Diver.

95 f. United States special operations forces member.

96 4. Misrepresent by making false, fictitious, or fraudulent
 97 statements or representations, directly or indirectly, that he
 98 or she actively served in the Armed Forces of the United States
 99 during a wartime era, regardless of whether there was a declared
 100 war, or served in combat operations in a warzone, or was a
 101 prisoner of war.

102 5. Wear the uniform or any medal or insignia authorized for
 103 use by members or veterans of the Armed Forces of the United
 104 States which he or she is not authorized to wear.

105 (b) This subsection does not prohibit individuals in the
 106 theatrical profession from wearing such uniforms, medals, or
 107 insignia during a performance while engaged in such profession.

108 (3) A candidate, an elected public officer, an appointed
 109 public officer, or a public employee who violates subsection (2)
 110 is subject to the penalties in s. 112.317.

111 (4) This section does not preclude prosecution of an
 112 individual for any action under subsection (2) which is
 113 prohibited by another law.

114 Section 2. Subsection (2) of section 112.317, Florida
 115 Statutes, is amended to read:

116 112.317 Penalties.—

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117 (2) (a) In any case in which the commission finds a
 118 violation of this part or of s. 8, Art. II of the State
 119 Constitution and the proper disciplinary official or body under
 120 s. 112.324 imposes a civil penalty or restitution penalty, the
 121 Attorney General shall bring a civil action to recover such
 122 penalty. No defense may be raised in the civil action to enforce
 123 the civil penalty or order of restitution that could have been
 124 raised by judicial review of the administrative findings and
 125 recommendations of the commission by certiorari to the district
 126 court of appeal. The Attorney General shall collect any costs,
 127 attorney fees, expert witness fees, or other costs of collection
 128 incurred in bringing the action.

129 (b) For the purposes of this subsection, a civil penalty or
 130 restitution penalty is considered delinquent if the individual
 131 has not paid such penalty within 90 days after the penalty is
 132 imposed by the commission. Before referring a delinquent civil
 133 penalty or restitution penalty to the Department of Financial
 134 Services, the Attorney General shall attempt to determine
 135 whether the individual owing such penalty is a current public
 136 officer or current public employee, and, if so, the Attorney
 137 General must notify the Chief Financial Officer or the governing
 138 body of the appropriate county, municipality, school district,
 139 or special district of the total amount of the penalty owed by
 140 such individual.

141 1. After receipt and verification of the notice from the
 142 Attorney General, the Chief Financial Officer or the governing
 143 body of the county, municipality, school district, or special
 144 district shall begin withholding the lesser of 25 percent or the
 145 maximum amount allowed under federal law from any salary-related

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146 payment. The withheld payments must be remitted to the
 147 commission until the fine is satisfied.

148 2. The Chief Financial Officer or the governing body of the
 149 county, municipality, school district, or special district may
 150 retain an amount of each withheld payment, as provided in s.
 151 77.0305, to cover the administrative costs incurred under this
 152 section.

153 (c) The Attorney General may refer any unpaid civil penalty
 154 or restitution penalty to the appropriate collection agency as
 155 directed by the Chief Financial Officer, and, except as
 156 expressly limited by this section, such collection agency may
 157 use any collection method authorized by law.

158 (d) The Attorney General may take any action to collect any
 159 unpaid civil penalty or restitution penalty imposed within 20
 160 years after the date the civil penalty or restitution penalty is
 161 imposed.

162 Section 3. This act shall take effect July 1, 2025.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 356

INTRODUCER: Senator Berman and others

SUBJECT: Holocaust Remembrance Day

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Sabitsch</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 356 establishes Holocaust Remembrance Day. Specifically, the bill:

- Requires the Governor to annually proclaim January 27th as “Holocaust Remembrance Day.”
- Permits the day to be suitably observed in public schools, the Capitol, and elsewhere as designated by the Governor.
- Permits instruction to be delivered on the designated day on the harmful impacts of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity.

The bill takes effect on July 1, 2025.

II. Present Situation:

Legal Holidays and Observances

Chapter 683, F.S., provides designations for legal holidays and special observances. Special observances are also found in other parts of Florida law. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. For example, “Gasparilla Day”¹ is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”² if issued by the Governor, is observed throughout the state. Depending on the holiday or special observance, certain actions may be required to be performed for the commemoration or observance of the date, day, or month. For example, Florida law recognizes the month of September as “American Founders’ Month,”³ urging, but not requiring, all civic, fraternal, and religious organizations and public and private educational institutions to recognize this occasion. In contrast, the last full week of classes in September is designated as “Celebrate Freedom

¹ Section 683.08, F.S.

² Section 683.25, F.S.

³ Section 683.1455, F.S.

Week,”⁴ in which public schools are required to include at least three hours of grade-appropriate instruction related to the meaning and importance of the Declaration of Independence in social studies classes.⁵

There are 27 legal holidays⁶ established in law and 35 special observances.⁷ The state recognizes nine paid holidays that are observed by all state branches and agencies.⁸

The Holocaust

The Holocaust (1933-1945) was the systematic, state-sponsored persecution and murder of 6 million European Jews and others by the Nazi German regime and its allies and collaborators. At the beginning of Nazi rule, Dictator Adolf Hitler used the government to target and exclude Jews from German society. Among other anti-Semitic measures, the Nazi German regime enacted discriminatory laws and organized violence targeting Germany’s Jews. The Holocaust is also sometimes referred to as “the Shoah,” the Hebrew word for “catastrophe”.⁹

The Nazis falsely accused Jews of causing Germany’s social, economic, political, and cultural problems. In particular, they blamed them for Germany’s defeat in World War I (1914–1918). Some Germans were receptive to these Nazi claims. Anger over the loss of the war and the economic and political crises that followed contributed to increasing antisemitism in German society. The instability of Germany under the Weimar Republic (1918–1933), the fear of communism, and the economic shocks of the Great Depression also made many Germans more open to Nazi ideas, including antisemitism.¹⁰

However, the Nazis did not invent antisemitism. Antisemitism is an old and widespread prejudice that has taken many forms throughout history. In Europe, it dates back to ancient times. In the Middle Ages (500–1400), prejudices against Jews were primarily based in early Christian belief and thought, particularly the myth that Jews were responsible for the death of Jesus. Suspicion and discrimination rooted in religious prejudices continued in early modern Europe (1400–1800). At that time, leaders in much of Christian Europe isolated Jews from most aspects of economic, social, and political life. This exclusion contributed to stereotypes of Jews as outsiders. As Europe became more secular, many places lifted most legal restrictions on Jews. This, however, did not mean the end of antisemitism. In addition to religious antisemitism, other types of antisemitism took hold in Europe in the 18th and 19th centuries. These new forms included economic, nationalist, and racial antisemitism. In the 19th century, antisemites falsely claimed that Jews were responsible for many social and political ills in modern industrial society. Theories of race, eugenics, and Social Darwinism falsely justified these hatreds. Nazi prejudice

⁴ Section 1003.421, F.S.

⁵ *Id.*

⁶ There are 21 state legal holidays, three judicial circuit court legal holidays, and three county legal holidays. Sections 683.01, 683.08, 683.09, 683.12, and 683.19, F.S.

⁷ Sections 683.04 - 683.336, F.S.

⁸ Section 110.117(1), F.S. Paid state holidays include: New Year’s Day, the Birthday of Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day.

⁹ United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited Feb 20, 2025).

¹⁰ *Id.*

against Jews drew upon all of these elements, but especially racial antisemitism. Racial antisemitism is the discriminatory idea that Jews are a separate and inferior race.¹¹

The Nazi persecution of Jews became radicalized with the culminated plan known as the “Final Solution to the Jewish Question.” The “Final Solution” came to fruition during World War II, with mass shootings and gas poisoning killing centers in concentration camps. About 6 million Jews and some 5 million others, targeted for racial, political, ideological, and behavioral reasons, died in the Holocaust, more than 1 million of those who perished were children.¹²

Commemoration of the Holocaust

The United Nations (UN) General Assembly designated January 27, the anniversary of the liberation of Auschwitz-Birkenau, as International Holocaust Remembrance Day. On this annual day of commemoration, the UN urges every member state to honor the 6 million Jewish victims of the Holocaust and millions of other victims of Nazism and to develop education programs to help prevent future genocides.¹³

Holocaust Education in Florida

In 2020, the Legislature directed the Department of Education (DOE) to develop standards for Holocaust Education.¹⁴ The DOE worked closely with the Commissioner of Education’s Task Force on Holocaust Education and Florida teachers to develop content-rich and developmentally appropriate standards. In the process, DOE received and considered comments from state and nationally recognized Holocaust educational organizations, Florida educators, school administrators, representatives of the Florida College System and state universities, business and industry leaders, and the public.¹⁵

In July 2021, the State Board of Education (SBE) adopted the updated State Standards for Social Studies, incorporating revised civics and government standards¹⁶ and new standards for grades 5-12 for Holocaust education for which instruction began in 2023-2024.¹⁷

Required instruction on the Holocaust (1933-1945) must include the history of the systematic annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, and be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values

¹¹ United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited February 20, 2025).

¹² *Id.*

¹³ United Nations General Assembly Resolution 60/7. *See also*, United Nations, *Outreach Programme on the Holocaust*, <https://www.un.org/en/holocaustremembrance/observance/> (last visited February 20, 2025).

¹⁴ Chapter 2020-88, s. 5, Laws of Fla.

¹⁵ Florida Department of Education, *Commissioner of Education’s Task Force on Holocaust Education*, <https://www.fldoe.org/holocausteducation/> (last visited Feb 20, 2025).

¹⁶ Chapter 2019-150, s.1, Laws of Fla.

¹⁷ Florida Department of Education, *Next Generation Sunshine State Standards – Social Studies, 2021*, available at <https://www.fldoe.org/core/fileparse.php/19975/urlt/5-3.pdf>.

and institutions, including the policy, definition, and historical and current examples of anti-Semitism and the prevention of anti-Semitism.¹⁸

Each school district must annually certify and provide evidence to the DOE that it has met the instructional requirements on Holocaust education. In addition, the DOE may contract with any state or nationally-recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.¹⁹

Florida recognizes the second week in November as Holocaust Education Week, which coincided with the anniversary of Kristallnacht, November 9-10, 1938. Kristallnacht is widely recognized as a precipitating event that led to the Holocaust.²⁰ The DOE has created a portal dedicated to Holocaust Education Week, which offers commemoration resources, educational programs, and materials concerning the Holocaust, for school districts, teachers, parents, and the general public.²¹

III. Effect of Proposed Changes:

SB 356 creates s. 683.196, F.S., to require the Governor to annually proclaim January 27th to be “Holocaust Remembrance Day” and allows the day to be suitably observed in public schools and at the State Capitol and other locations designated by the Governor.

The bill specifies that if January 27th falls on a day that is not a school day, Holocaust Remembrance Day may be observed in schools on the following school day or on a school day designated by the local district school board.

The bill permits instruction about the harmful impacts on humanity of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity. The instruction may be delivered on Holocaust Remembrance Day. The bill does not specify if such instruction is to be based on state academic standards or required instruction under s. 1003.42, F.S., for Holocaust education.

This bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁸ Section 1003.42(2)(g)1., F.S.

¹⁹ Section 1003.42(2)(g)1., F.S.

²⁰ Section 1003.42(2)(g)2., F.S.

²¹ Florida Department of Education, *Holocaust Education Week*, <https://www.fldoe.org/holocausteducation/holo-ed-week.shtml> (last visited Feb 20, 2025).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 683.196 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Berman

26-00171B-25

2025356__

1 A bill to be entitled
 2 An act relating to Holocaust Remembrance Day; creating
 3 s. 683.196, F.S.; requiring the Governor to proclaim a
 4 specified day annually as "Holocaust Remembrance Day";
 5 authorizing "Holocaust Remembrance Day" to be observed
 6 in this state's public schools and be observed by
 7 public exercise as the Governor may designate;
 8 providing construction; authorizing specified
 9 instruction; providing an effective date.

10

11 WHEREAS, more than 79 years have passed since the Holocaust
 12 ended, yet anti-Semitism and unfounded hatred of Jews continues
 13 to spread throughout the world, and

14 WHEREAS, millions of Jews, Soviet civilians, and persons
 15 with disabilities were murdered during the Holocaust, as well as
 16 people targeted for their ethnicity, religion, political
 17 beliefs, and sexual orientation, and

18 WHEREAS, on November 1, 2005, the United Nations General
 19 Assembly designated January 27, the anniversary of the
 20 liberation of Auschwitz-Birkenau, as International Holocaust
 21 Remembrance Day, and

22 WHEREAS, the tragedy of the Holocaust and the ongoing
 23 effects of anti-Semitism continue to impact Jewish communities
 24 in this state, NOW, THEREFORE,

25

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

27

28 Section 1. Section 683.196, Florida Statutes, is created to
 29 read:

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

26-00171B-25

2025356__

30 683.196 Holocaust Remembrance Day.—
 31 (1) In honor of the millions of victims killed in the
 32 Holocaust, the Governor shall annually proclaim January 27 to be
 33 "Holocaust Remembrance Day," which may be observed in the public
 34 schools of this state and by public exercise at the State
 35 Capitol and elsewhere as the Governor may designate.
 36 (2) If January 27 falls on a day that is not a school day,
 37 "Holocaust Remembrance Day" may be observed in the public
 38 schools on the following school day or as otherwise designated
 39 by the district school board having jurisdiction.
 40 (3) Instruction on the harmful impacts of the Holocaust and
 41 anti-Semitism and the positive contributions of the Jewish
 42 community to humanity may be provided as part of the public
 43 school instruction on "Holocaust Remembrance Day."
 44 Section 2. This act shall take effect July 1, 2025.

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