

Tab 1	SB 160 by Gruters (CO-INTRODUCERS) Boyd ; Similar to H 00133 Public Accountancy					
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Tab 2	SB 344 by Rodriguez ; Identical to H 00435 Telecommunications Access System Act of 1991					
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Tab 3	SPB 7006 by RI ; Public Records and Meetings/NG911 Systems					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Pizzo, Vice Chair

MEETING DATE: Tuesday, February 18, 2025
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Bradley, Chair; Senator Pizzo, Vice Chair; Senators Bernard, Boyd, Burgess, Calatayud, Fine, Gruters, and Ingoglia

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 160 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; requiring an international applicant who seeks licensure as a certified public accountant in this state to meet specified criteria prescribed by the board; revising requirements for the approval of providers who administer continuing education on ethics for certified public accountants, etc. RI 02/18/2025 AEG RC	
2	SB 344 Rodriguez (Identical H 435)	Telecommunications Access System Act of 1991; Revising the powers and duties of the Florida Public Service Commission in overseeing the administration of the telecommunications access system; revising the duties of the system's administrator; revising the procedures required for the distribution of specialized telecommunications devices; revising the composition of the advisory committee appointed to assist the commission with implementing the act, etc. RI 02/18/2025 AEG FP	

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Tuesday, February 18, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SPB 7006	Public Records and Meetings/NG911 Systems; Expanding an exemption from public records requirements for certain components of 911, E911, and public safety radio communication systems to include NG911 systems; extending the date for future legislative review and repeal of the exemption; expanding an exemption from public meetings requirements for certain portions of meetings that would reveal certain components of 911, E911, and public safety radio communication systems to include NG911 systems; extending the date for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	

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 Regulated Industries

BILL: SB 160

INTRODUCER: Senator Gruters

SUBJECT: Public Accountancy

DATE: February 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

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 a duty or 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 CPA, 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 July 1, 2026, 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, 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.

Under the bill, international applicants may qualify for a CPA license if they:

- Meet the requirements for education, work experience, and good moral character under s. 473.308, F.S.;
- Apply to the department for licensure; and
- Create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department and submit through the department's online system any change in e-mail address within 30 days after the change.

The board may refuse to certify an international applicant who has violated s. 473.322, F.S., relating to prohibited conduct. The bill requires the department to adopt rules to implement the requirements in the bill for international applicants.

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 certified public accountants in this state.

Effective July 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 takes effect July 1, 2025, except as otherwise 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 41,760 active CPAs

and more than 5,400 accounting firms 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 ss. 473.308 or 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.”

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.

¹ Department of Business and Professional Regulation, *Fiscal Year 2022-2023 Annual Report*, page 12, available at: <https://www2.myfloridalicense.com/os/documents/Division%20Annual%20Report%20FY%202022-23.pdf> (last visited February 17, 2025).

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.

⁸ Section 473.311(2), F.S.

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 5 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 5 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 Accountancy has determined has licensure standards that are substantially equivalent to those in the United States.

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.¹² The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total

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 Section 473.312(1)(a), F.S.

hours required, for failure to complete the hours required for renewal by the end of the two-year period.¹³

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.¹⁴

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.¹⁵

CPA Mobility

Section 473.3141, F.S., provides what is known as “CPA mobility” or practice mobility for CPAs.¹⁶ 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.

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.

¹³ *Id.*

¹⁴ Section 473.312(1)(b), F.S.

¹⁵ Section 473.312(1)(c), F.S.

¹⁶ Florida Institute of Certified Public Accountants, *What is CPA Mobility?*, available at: <https://www.ficpa.org/mobility> (last visited February 12, 2025).

Under current law, the CPA mobility provision does not apply to CPAs who are licensed in the territories of the United States.¹⁷

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.”

Definition

The bill amends s. 473.302, F.S., to delete the definition of the term “Uniform Accountancy Act.”¹⁸ 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 board may, by a majority vote, delegate a duty or duties to the appropriate division within the department, to further provide that the board may delegate duties by contract pursuant to part I of ch. 287, F.S.,¹⁹ for the performance of such duties by corporations not for profit organized before 2024 under ch. 617, F.S.²⁰

Licensure

Education

The bill, effective July 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;

¹⁷ 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).

¹⁸ 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.

¹⁹ Part I of ch. 287, F.S., relates to the state’s procurement of commodities, insurance, and contractual services.

²⁰ Chapter 617, F.S., relates to corporations not for profit.

- 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

The bill, effective July 1, 2026, 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

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

The bill creates s. 473.3085, F.S., to revise the requirements for the licensure of international applicants. The bill removes the provisions in s. 473.308(9), F.S., that are applicable to applicants from a foreign country. To qualify for a license, an international applicant must:

- Meet the requirements for education, work experience, and good moral character under s. 473.308, F.S.;
- Apply to the department for licensure; and
- Create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department and submit through the department's online system any change in e-mail address within 30 days after the change.

The board may refuse to certify an applicant who has violated s. 473.322, F.S., relating to prohibited conduct.

The bill requires the department to adopt rules to implement s. 473.3085, F.S.

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 certified public accountants 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 ss. 473.3141(1) and (3), F.S., to revise the requirements for CPA mobility. Effective July 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.

The provisions of this bill, including the revision of s. 473.3141(1), F.S., take effect July 1, 2025. Under the bill, a CPA licensed in another states would not be able to practice in Florida under the CPA mobility provisions of s. 473.3141(1), F.S., between July 1, 2025 and June 30, 2026.

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.

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:

The bill amends s. 473.3141(1), F.S., to revise the requirements for CPA mobility. Effective July 1, 2026, to qualify for CPA mobility, a CPA must show evidence to the board of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination. The bill also

extends CPA mobility to CPAs who are licensed in territories of the United States. The provisions of this bill take effect July 1, 2025. Under the bill, a CPA licensed in another state would not be able to practice in Florida under the CPA mobility provisions of s. 473.3141(1), F.S., between July 1, 2025 and June 30, 2026. The bill's sponsor may wish to consider deleting "effective July 1, 2026" on line 311 and amending the directory clause on line 307 for this section of the bill to take effect on July 1, 2026. In this way current law would remain in effect during the intervening year.

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.

This bill creates section 473.3085 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.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Regulated Industries (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 91 - 313

and insert:

Section 4. Effective January 1, 2026, subsection (3) of section 473.306, Florida Statutes, is amended, and subsection (4) of that section is republished, to read:

473.306 Examinations.—

(3) An applicant is entitled to take the licensure examination to practice in this state as a certified public



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11 accountant if:

12 (a) The applicant has completed 120 semester hours or 180
13 quarter hours from an accredited college or university with a
14 concentration in accounting and business ~~courses~~ as prescribed
15 ~~specified~~ by the board by rule; and

16 (b) The applicant shows that she or he has good moral
17 character. For purposes of this paragraph, the term "good moral
18 character" has the same meaning as provided in s. 473.308(6)(a)
19 ~~s. 473.308(7)(a)~~. The board may refuse to allow an applicant to
20 take the licensure examination for failure to satisfy this
21 requirement if:

22 1. The board finds a reasonable relationship between the
23 lack of good moral character of the applicant and the
24 professional responsibilities of a certified public accountant;
25 and

26 2. The finding by the board of lack of good moral character
27 is supported by competent substantial evidence.

28
29 If an applicant is found pursuant to this paragraph to be
30 unqualified to take the licensure examination because of a lack
31 of good moral character, the board must ~~shall~~ furnish to the
32 applicant a statement containing the findings of the board, a
33 complete record of the evidence upon which the determination was
34 based, and a notice of the rights of the applicant to a
35 rehearing and appeal.

36 (4) The board shall have the authority to establish the
37 standards for determining and shall determine:



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38 (a) What constitutes a passing grade for each subject or
39 part of the licensure examination;

40 (b) Which educational institutions, in addition to the
41 universities in the State University System of Florida, shall be
42 deemed to be accredited colleges or universities;

43 (c) What courses and number of hours constitute a major in
44 accounting; and

45 (d) What courses and number of hours constitute additional
46 accounting courses acceptable under s. 473.308(4).

47 Section 5. Effective January 1, 2026, subsections (4)
48 through (10) of section 473.308, Florida Statutes, are amended
49 to read:

50 473.308 Licensure.—

51 (4)(a) An applicant for licensure must do at least one of
52 the following:

53 1. Complete have at least 150 semester hours of college
54 education, including a baccalaureate or higher degree conferred
55 by an accredited college or university, with a concentration in
56 accounting and business as prescribed by the board; in the total
57 educational program to the extent specified by the board.

58 2. Hold a master's degree in accounting or finance
59 conferred by an accredited college or university with a
60 concentration in accounting and business as prescribed by the
61 board;

62 3. Hold a baccalaureate degree in accounting or finance
63 conferred by an accredited college or university with a
64 concentration in accounting and business as prescribed by the



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65 board; or

66 4. Hold a baccalaureate degree in any major course of study
67 conferred by an accredited college or university and have
68 completed coursework required for a concentration in accounting
69 and business as prescribed by the board.

70 (b) The board shall prescribe the coursework required for a
71 concentration in accounting and business. The board may deem an
72 applicant to have satisfied requirements for such coursework if
73 the applicant receives a baccalaureate or higher degree in
74 accounting or finance conferred by an accredited college or
75 university in a state or territory of the United States. An
76 applicant receiving a baccalaureate or higher degree with a
77 major course of study other than accounting or finance must
78 complete the coursework required for a concentration in
79 accounting and business as prescribed by the board.

80 (5) (a) An applicant for licensure who completes the
81 education requirements under subparagraph (4) (a)1. or
82 subparagraph (4) (a)2. after December 31, 2008, must show that he
83 or she has had 1 year of work experience. An applicant who
84 completes the education requirements under subparagraph (4) (a)3.
85 or subparagraph (4) (a)4. must show 2 years of work experience.

86 (b) Such work ~~This~~ experience includes ~~shall include~~
87 providing any type of service or advice involving the use of
88 accounting, attest, compilation, management advisory, financial
89 advisory, tax, or consulting skills, all of which must be
90 verified by a certified public accountant who is licensed by a
91 state or territory of the United States. This experience is



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92 acceptable if it was gained through employment in government,
93 industry, academia, or public practice; constituted a
94 substantial part of the applicant's duties; and was verified by
95 a certified public accountant licensed by a state or territory
96 of the United States. The board shall adopt rules specifying
97 standards and providing for the review and approval of the work
98 experience required by this subsection ~~section~~.

99 ~~(b) However, an applicant who completed the requirements of~~
100 ~~subsection (4) on or before December 31, 2008, and who passes~~
101 ~~the licensure examination on or before June 30, 2010, is exempt~~
102 ~~from the requirements of this subsection.~~

103 (6) (a) An applicant for licensure must ~~shall~~ show that he
104 or she ~~the applicant~~ has good moral character. For purposes of
105 this paragraph, the term

106 ~~(7)(a)~~ "good moral character" means a personal history of
107 honesty, fairness, and respect for the rights of others and for
108 the laws of this state and nation.

109 (b) The board may refuse to certify an applicant for
110 failure to satisfy this requirement if:

111 1. The board finds a reasonable relationship between the
112 lack of good moral character of the applicant and the
113 professional responsibilities of a certified public accountant;
114 and

115 2. The finding by the board of lack of good moral character
116 is supported by competent substantial evidence.

117 (c) When an applicant is found to be unqualified for a
118 license because of a lack of good moral character, the board



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119 shall furnish to the applicant a statement containing the
120 findings of the board, a complete record of the evidence upon
121 which the determination was based, and a notice of the rights of
122 the applicant to a rehearing and appeal.

123 ~~(7)-(8)~~ The board shall certify as qualified for a license
124 by endorsement an applicant who:

125 ~~(a) Is not licensed and has not been licensed in any state~~
126 ~~or territory and who has met the requirements of this section~~
127 ~~for education, work experience, and good moral character and has~~
128 ~~passed a national, regional, state, or territorial licensing~~
129 ~~examination that is substantially equivalent to the examination~~
130 ~~required by s. 473.306; or~~

131 ~~(b)1.~~ holds an active a valid license in good standing to
132 practice public accounting issued by another state or a
133 territory of the United States, if the applicant has maintained
134 good moral character and, at the time of licensure by such other
135 state or territory, the applicant was required to show evidence
136 of having obtained at least a baccalaureate degree from an
137 accredited college or university and having passed the Uniform
138 CPA Examination ~~criteria for issuance of such license were~~
139 ~~substantially equivalent to the licensure criteria that existed~~
140 ~~in this state at the time the license was issued;~~

141 ~~2. Holds a valid license to practice public accounting~~
142 ~~issued by another state or territory of the United States but~~
143 ~~the criteria for issuance of such license did not meet the~~
144 ~~requirements of subparagraph 1.; has met the requirements of~~
145 ~~this section for education, work experience, and good moral~~



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146 ~~character; and has passed a national, regional, state, or~~
147 ~~territorial licensing examination that is substantially~~
148 ~~equivalent to the examination required by s. 473.306; or~~

149 ~~3. Holds a valid license to practice public accounting~~
150 ~~issued by another state or territory of the United States for at~~
151 ~~least 10 years before the date of application; has passed a~~
152 ~~national, regional, state, or territorial licensing examination~~
153 ~~that is substantially equivalent to the examination required by~~
154 ~~s. 473.306; and has met the requirements of this section for~~
155 ~~good moral character.~~

156 ~~(8)-(9) An international applicant who seeks licensure as a~~
157 ~~certified public accountant in this state must do at least one~~
158 ~~of the following: If the applicant has at least 5 years of~~
159 ~~experience in the practice of public accountancy in the United~~
160 ~~States or in the practice of public accountancy or its~~
161 ~~equivalent in a foreign country that the International~~
162 ~~Qualifications Appraisal Board of the National Association of~~
163 ~~State Boards of Accountancy has determined has licensure~~
164 ~~standards that are substantially equivalent to those in the~~
165 ~~United States, or has at least 5 years of work experience that~~
166 ~~meets the requirements of subsection (5), the board must waive~~
167 ~~the requirements of subsection (4) which are in excess of a~~
168 ~~baccalaureate degree. All experience that is used as a basis for~~
169 ~~waiving the requirements of subsection (4) must be while~~
170 ~~licensed as a certified public accountant by another state or~~
171 ~~territory of the United States or while licensed in the~~

172 ~~(a) Hold an active license in good standing to practice of~~



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173 public accounting, ~~accountancy~~ or its equivalent, in a foreign
174 country that the International Qualifications Appraisal Board of
175 the National Association of State Boards of Accountancy has
176 determined has licensure standards equal ~~that are substantially~~
177 ~~equivalent~~ to those in the United States and has passed an exam
178 pursuant to 473.306(5); or

179 (b) Hold an active license in good standing to practice
180 public accounting, or its equivalent, in a foreign country that
181 the International Qualifications Appraisal Board of the National
182 Association of State Boards of Accountancy has not determined
183 has licensure standards equal to those in the United States and
184 has met the requirements for education, work experience, and
185 good moral character under subsections (4), (5), and (6) and has
186 passed the Uniform CPA exam. The board shall have the authority
187 to establish the standards for experience that meet this
188 requirement.

189 (9)(10) The board may refuse to certify for licensure any
190 applicant who is under investigation in another state for any
191 act that would constitute a violation of this act or chapter
192 455, until such time as the investigation is complete and
193 disciplinary proceedings are ~~have been~~ terminated.

194 Section 6. Paragraph (c) of subsection (1) of section
195 473.312, Florida Statutes, is amended to read:

196 473.312 Continuing education.—

197 (1)

198 (c) At least ~~Not less than~~ 5 percent of the total hours
199 required by the board must ~~shall~~ be in ethics applicable to the



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200 practice of public accounting. ~~This requirement shall be~~
201 ~~administered by providers approved by the board,~~ and a majority
202 of the hours must ~~shall~~ include a review of ~~the provisions of~~
203 chapter 455 and this chapter and the related administrative
204 rules. Such requirement must be administered by reputable
205 providers determined by the board. The board shall give
206 preference to corporations not for profit organized under
207 chapter 617 who are exempt from taxation under s. 501(c)(6) of
208 the Internal Revenue Code and who demonstrate their experience,
209 integrity, knowledge, practice, professional responsibility, and
210 representation of the largest numbers of certified public
211 accountants in this state.

212 Section 7. Effective January 1, 2026, subsections (1) and
213 (3) of section 473.3141, Florida Statutes, are amended to read:

214 473.3141 Certified public accountants licensed in other
215 states.-

216 (1) ~~Except as otherwise provided in this chapter,~~ An
217 individual who holds an active license in good standing to
218 practice public accounting in another state or a

219
220 ===== T I T L E A M E N D M E N T =====

221 And the title is amended as follows:

222 Delete lines 18 - 34

223 and insert:

224 revising requirements for licensure of international
225 applicants; deleting obsolete language; amending s.
226 473.312, F.S.; revising

By Senator Gruters

22-00450A-25

2025160

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 deleting provisions with respect to licensure of
 19 applicants with work experience in foreign countries;
 20 deleting obsolete language; creating s. 473.3085,
 21 F.S.; requiring an international applicant who seeks
 22 licensure as a certified public accountant in this
 23 state to meet specified criteria prescribed by the
 24 board; requiring such applicants to apply to the
 25 department; requiring such applicants to create and
 26 maintain an online account with the department;
 27 providing that the applicant's e-mail address serves
 28 as the primary means of communication from the
 29 department; requiring an applicant to submit any

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30 change in certain information within a specified
 31 timeframe through the department's online system;
 32 requiring the department to certify an applicant who
 33 meets certain requirements; requiring the department
 34 to adopt rules; amending s. 473.312, F.S.; revising
 35 requirements for the approval of providers who
 36 administer continuing education on ethics for
 37 certified public accountants; requiring the board to
 38 give preference to certain providers; amending s.
 39 473.3141, F.S.; revising requirements for certified
 40 public accountants licensed in another state or a
 41 territory of the United States to practice in this
 42 state without obtaining a license; reenacting s.
 43 473.311(1)(b), F.S., relating to renewal of license,
 44 to incorporate the amendment made to s. 473.312, F.S.,
 45 in references thereto; providing effective dates.

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

48
 49 Section 1. Section 473.301, Florida Statutes, is amended to
 50 read:
 51 473.301 Purpose.—The Legislature recognizes that there is a
 52 public need for independent and objective certified public
 53 accountants and that it is necessary to regulate the practice of
 54 public accounting to assure the minimum competence of
 55 practitioners and the accuracy of audit statements upon which
 56 the public relies and to protect the public from dishonest
 57 practitioners and, therefore, deems it necessary in the interest
 58 of public welfare to regulate the practice of public accountancy

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 in this state.
 Section 2. Subsection (9) of section 473.302, Florida Statutes, is amended to read:
 473.302 Definitions.—As used in this chapter, the term:
~~(9) "Uniform Accountancy Act" means 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.~~
 However, these terms shall not include services provided by the American Institute of Certified Public Accountants or the Florida Institute of Certified Public Accountants, or any full service association of certified public accounting firms whose plans of administration have been approved by the board, to their members or services performed by these entities in reviewing the services provided to the public by members of these entities.
 Section 3. Subsection (1) of section 473.3035, Florida Statutes, is amended to read:
 473.3035 Division of Certified Public Accounting.—
 (1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in chapter 455 necessary to perform the duties of this chapter are assigned to ~~shall be provided by~~ the Division of Certified Public Accounting. The board may, by majority vote, delegate ~~such a duty or~~ duties to the appropriate division within the department or contract pursuant to part I of chapter 287 for the performance of such duties by corporations not for profit

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 organized before 2024 under chapter 617. The board may, by majority vote, rescind any such delegation of duties at any time.
 Section 4. Effective July 1, 2026, subsection (3) of section 473.306, Florida Statutes, is amended, and subsection (4) of that section is republished, to read:
 473.306 Examinations.—
 (3) An applicant is entitled to take the licensure examination to practice in this state as a certified public accountant if:
 (a) The applicant has completed 120 semester hours or 180 quarter hours from an accredited college or university with a concentration in accounting and business ~~courses~~ as prescribed ~~specified~~ by the board by rule; and
 (b) The applicant shows that she or he has good moral character. For purposes of this paragraph, the term "good moral character" has the same meaning as provided in s. 473.308(6)(a) ~~s. 473.308(7)(a)~~. The board may refuse to allow an applicant to take the licensure examination for failure to satisfy this requirement if:
 1. The board finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and
 2. The finding by the board of lack of good moral character is supported by competent substantial evidence.
 If an applicant is found pursuant to this paragraph to be unqualified to take the licensure examination because of a lack

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 117 of good moral character, the board must ~~shall~~ furnish to the
 118 applicant a statement containing the findings of the board, a
 119 complete record of the evidence upon which the determination was
 120 based, and a notice of the rights of the applicant to a
 121 rehearing and appeal.
 122 (4) The board shall have the authority to establish the
 123 standards for determining and shall determine:
 124 (a) What constitutes a passing grade for each subject or
 125 part of the licensure examination;
 126 (b) Which educational institutions, in addition to the
 127 universities in the State University System of Florida, shall be
 128 deemed to be accredited colleges or universities;
 129 (c) What courses and number of hours constitute a major in
 130 accounting; and
 131 (d) What courses and number of hours constitute additional
 132 accounting courses acceptable under s. 473.308(4).
 133 Section 5. Effective July 1, 2026, subsections (4) through
 134 (10) of section 473.308, Florida Statutes, are amended to read:
 135 473.308 Licensure.—
 136 (4) (a) An applicant for licensure must do at least one of
 137 the following:
 138 1. Complete ~~have~~ at least 150 semester hours of college
 139 education, including a baccalaureate or higher degree conferred
 140 by an accredited college or university, with a concentration in
 141 accounting and business as prescribed by the board; ~~in the total~~
 142 ~~educational program to the extent specified by the board.~~
 143 2. Hold a master's degree in accounting or finance
 144 conferred by an accredited college or university with a
 145 concentration in accounting and business as prescribed by the

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 146 board;
 147 3. Hold a baccalaureate degree in accounting or finance
 148 conferred by an accredited college or university with a
 149 concentration in accounting and business as prescribed by the
 150 board; or
 151 4. Hold a baccalaureate degree in any major course of study
 152 conferred by an accredited college or university and have
 153 completed coursework required for a concentration in accounting
 154 and business as prescribed by the board.
 155 (b) The board shall prescribe the coursework required for a
 156 concentration in accounting and business. The board may deem an
 157 applicant to have satisfied requirements for such coursework if
 158 the applicant receives a baccalaureate or higher degree in
 159 accounting or finance conferred by an accredited college or
 160 university in a state or territory of the United States. An
 161 applicant receiving a baccalaureate or higher degree with a
 162 major course of study other than accounting or finance must
 163 complete the coursework required for a concentration in
 164 accounting and business as prescribed by the board.
 165 (5) (a) An applicant for licensure who completes the
 166 education requirements under subparagraph (4)(a)1. or
 167 subparagraph (4)(a)2. ~~after December 31, 2008~~, must show ~~that he~~
 168 ~~or she has had~~ 1 year of work experience. An applicant who
 169 completes the education requirements under subparagraph (4)(a)3.
 170 or subparagraph (4)(a)4. must show 2 years of work experience.
 171 (b) Such work ~~this~~ experience includes ~~shall include~~
 172 providing any type of service or advice involving the use of
 173 accounting, attest, compilation, management advisory, financial
 174 advisory, tax, or consulting skills, all of which must be

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 175 verified by a certified public accountant who is licensed by a
 176 state or territory of the United States. This experience is
 177 acceptable if it was gained through employment in government,
 178 industry, academia, or public practice; constituted a
 179 substantial part of the applicant's duties; and was verified by
 180 a certified public accountant licensed by a state or territory
 181 of the United States. The board shall adopt rules specifying
 182 standards and providing for the review and approval of the work
 183 experience required by this subsection section.

~~(b) However, an applicant who completed the requirements of
 subsection (4) on or before December 31, 2009, and who passed
 the licensure examination on or before June 30, 2010, is exempt
 from the requirements of this subsection.~~

(6) (a) An applicant for licensure must ~~shall~~ show that he
 189 or she ~~the applicant~~ has good moral character. For purposes of
 190 this paragraph, the term

191 ~~(7)(a)~~ "good moral character" means a personal history of
 192 honesty, fairness, and respect for the rights of others and for
 193 the laws of this state and nation.

(b) The board may refuse to certify an applicant for
 195 failure to satisfy this requirement if:

1. The board finds a reasonable relationship between the
 197 lack of good moral character of the applicant and the
 198 professional responsibilities of a certified public accountant;
 199 and

2. The finding by the board of lack of good moral character
 200 is supported by competent substantial evidence.

(c) When an applicant is found to be unqualified for a
 202 license because of a lack of good moral character, the board
 203

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 204 shall furnish to the applicant a statement containing the
 205 findings of the board, a complete record of the evidence upon
 206 which the determination was based, and a notice of the rights of
 207 the applicant to a rehearing and appeal.

(7) ~~(6)~~ The board shall certify as qualified for a license
 208 by endorsement an applicant who:

~~(a) is not licensed and has not been licensed in any state
 210 or territory and who has met the requirements of this section
 211 for education, work experience, and good moral character and has
 212 passed a national, regional, state, or territorial licensing
 213 examination that is substantially equivalent to the examination
 214 required by s. 473.306; or~~

~~(b) i.~~ holds an active a valid license as a certified public
 216 accountant to practice public accounting issued by another state
 217 or a territory of the United States, if the applicant has
 218 maintained good moral character and, at the time of licensure by
 219 such other state or territory, the applicant was required to
 220 show evidence of having obtained at least a baccalaureate degree
 221 from an accredited college or university and having passed the
 222 Uniform CPA Examination criteria for issuance of such license
 223 were substantially equivalent to the licensure criteria that
 224 existed in this state at the time the license was issued;

2. ~~Hold a valid license to practice public accounting
 226 issued by another state or territory of the United States but
 227 the criteria for issuance of such license did not meet the
 228 requirements of subparagraph 1., has met the requirements of
 229 this section for education, work experience, and good moral
 230 character, and has passed a national, regional, state, or
 231 territorial licensing examination that is substantially~~

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 233 equivalent to the examination required by s. 473.306; or
 234 ~~s. 473.306; or~~
 235 ~~issued by another state or territory of the United States for at~~
 236 ~~least 10 years before the date of application; has passed a~~
 237 ~~national, regional, state, or territorial licensing examination~~
 238 ~~that is substantially equivalent to the examination required by~~
 239 ~~s. 473.306; and has met the requirements of this section for~~
 240 ~~good moral character.~~
 241 ~~(4) If the applicant has at least 5 years of experience in~~
 242 ~~the practice of public accountancy in the United States or in~~
 243 ~~the practice of public accountancy or its equivalent in a~~
 244 ~~foreign country that the International Qualifications Appraisal~~
 245 ~~Board of the National Association of State Boards of Accountancy~~
 246 ~~has determined has licensure standards that are substantially~~
 247 ~~equivalent to those in the United States, or has at least 5~~
 248 ~~years of work experience that meets the requirements of~~
 249 ~~subsection (5), the board must waive the requirements of~~
 250 ~~subsection (4) which are in excess of a base licensure degree.~~
 251 ~~All experience that is used as a basis for waiving the~~
 252 ~~requirements of subsection (4) must be while licensed as a~~
 253 ~~certified public accountant by another state or territory of the~~
 254 ~~United States or while licensed in the practice of public~~
 255 ~~accountancy or its equivalent in a foreign country that the~~
 256 ~~International Qualifications Appraisal Board of the National~~
 257 ~~Association of State Boards of Accountancy has determined has~~
 258 ~~licensure standards that are substantially equivalent to those~~
 259 ~~in the United States. The board shall have the authority to~~
 260 ~~establish the standards for experience that meet this~~
 261 ~~requirement.~~

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 262 ~~(8)(40)~~ The board may refuse to certify for licensure any
 263 applicant who is under investigation in another state for any
 264 act that would constitute a violation of this act or chapter
 265 455, until such time as the investigation is complete and
 266 disciplinary proceedings are ~~have been~~ terminated.
 267 Section 6. Section 473.3085, Florida Statutes, is created
 268 to read:
 269 473.3085 Licensure of international applicants.—
 270 (1) An international applicant who seeks licensure as a
 271 certified public accountant in this state must meet the
 272 requirements for education, work experience, and good moral
 273 character under s. 473.308.
 274 (2) An applicant must apply to the department for
 275 licensure.
 276 (3) An international applicant must create and maintain an
 277 online account with the department and provide an e-mail address
 278 to function as the primary means of contact for all
 279 communication from the department. An applicant must submit any
 280 change in e-mail address within 30 days after the change. All
 281 changes must be submitted through the department's online
 282 system.
 283 (4) The department shall certify for licensure any
 284 applicant who satisfies the requirements of subsections (1) and
 285 (2), except the board may refuse to certify an applicant who has
 286 violated s. 473.322.
 287 (5) The department shall adopt rules to implement this
 288 section.
 289 Section 7. Paragraph (c) of subsection (1) of section
 290 473.312, Florida Statutes, is amended to read:

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291 473.312 Continuing education.-
 292 (1)
 293 (c) At least ~~not less than~~ 5 percent of the total hours
 294 required by the board must ~~shall~~ be in ethics applicable to the
 295 practice of public accounting, ~~this requirement shall be~~
 296 ~~administered by providers approved by the board~~, and a majority
 297 of the hours must ~~shall~~ include a review of the provisions of
 298 chapter 455 and this chapter and the related administrative
 299 rules. Such requirement must be administered by reputable
 300 providers to be determined and provided by the board. The board
 301 shall give preference to corporations not for profit organized
 302 under chapter 617 who are exempt from taxation under s.
 303 501(c)(6) of the Internal Revenue Code and who demonstrate their
 304 experience, integrity, knowledge, practice, professional
 305 responsibility, and representation of the largest numbers of
 306 certified public accountants in this state.

307 Section 8. Subsections (1) and (3) of section 473.3141,
 308 Florida Statutes, are amended to read:
 309 473.3141 Certified public accountants licensed in other
 310 states.-

311 (1) Effective July 1, 2026 ~~Except as otherwise provided in~~
 312 ~~this chapter~~, an individual who holds an active license in good
 313 standing as a certified public accountant in another state or a
 314 territory of the United States and who does not have an office
 315 in this state has the privileges of Florida certified public
 316 accountants and may provide public accounting services in this
 317 state without obtaining a license under this chapter or
 318 notifying or registering with the board or paying a fee if, at
 319 the time of licensure by such other state or territory, the

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320 individual was required to show evidence of having obtained at
 321 least a baccalaureate degree and having passed the Uniform CPA
 322 Examination+
 323 ~~(a) Holds a valid license as a certified public accountant~~
 324 ~~from a state that the board or its designee has determined by~~
 325 ~~rule to have adopted standards that are substantially equivalent~~
 326 ~~to the certificate requirements in s. 5 of the Uniform~~
 327 ~~Accountancy Act in the issuance of licensure, or~~
 328 ~~(b) Holds a valid license as a certified public accountant~~
 329 ~~from a state that has not been approved by the board as having~~
 330 ~~adopted standards in substantial equivalence with s. 5 of the~~
 331 ~~Uniform Accountancy Act, but obtains verification from the~~
 332 ~~board or its designee, as determined by rule, that the~~
 333 ~~individual's certified public accountant qualifications are~~
 334 ~~substantially equivalent to the certificate requirements in s. 5~~
 335 ~~of the Uniform Accountancy Act.~~

The board shall define by rule what constitutes an office.

337 (3) An individual certified public accountant from another
 338 state or a territory of the United States who practices pursuant
 339 to this section, and the firm that employs that individual, must
 340 ~~shall~~ both consent, as a condition of the privilege of
 341 practicing in this state:

- 342 (a) To the ~~personal and subject matter~~ jurisdiction and
 343 disciplinary authority of the board;
 344 (b) To comply with this chapter and the applicable board
 345 rules;
 346 (c) That if the individual's license as a certified public
 347 accountant from another ~~the~~ state or a territory of the United
 348

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349 States becomes invalid ~~of the individual's principal place of~~
350 ~~business is no longer valid~~, the individual must will cease
351 offering or rendering public accounting services in this state,
352 individually and on behalf of a firm; and
353 (d) To the appointment of the ~~state~~ board that issued the
354 individual's license as the agent upon whom process may be
355 served in any action or proceeding by the board or department
356 against the individual or firm.
357 Section 9. For the purpose of incorporating the amendment
358 made by this act to section 473.312, Florida Statutes, in
359 references thereto, paragraph (b) of subsection (1) of section
360 473.311, Florida Statutes, is reenacted to read:
361 473.311 Renewal of license.—
362 (1)
363 (b) A nonresident licensee seeking renewal of a license in
364 this state shall be determined to have met the continuing
365 education requirements in s. 473.312, except for the
366 requirements in s. 473.312(1)(c), if the licensee has complied
367 with the continuing education requirements applicable in the
368 state in which his or her office is located. If the state in
369 which the nonresident licensee's office is located has no
370 continuing education requirements for license renewals, the
371 nonresident licensee must comply with the continuing education
372 requirements in s. 473.312.
373 Section 10. Except as otherwise expressly provided in this
374 act, this act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: January 30, 2025

I respectfully request that **Senate Bill # 160**, relating to Public Accountancy, be placed on the:

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

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

Senator Joe Gruters
Florida Senate, District 22

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 Regulated Industries

BILL: SB 344

INTRODUCER: Senator Rodriguez

SUBJECT: Telecommunications Access System Act of 1991

DATE: February 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

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

- Authorizes the use of advanced technologies beyond the landline telephone communications system authorized in TASA.
- Allows for the adoption of new, emerging, and not yet contemplated communications technologies as they come into the marketplace.
- Revises the membership of TASA’s advisory committee.

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

II. Present Situation:

Florida Public Service Commission

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

¹ Section 350.001, F.S.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Feb. 13, 2025).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 13, 2025).

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

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

Telecommunications Access System Act of 1991

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

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

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

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

- Briefly outline:
 - The status of developments in the telecommunications access system;

⁴ Ch. 2011-36, Laws of Florida.

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

⁶ Section 427.702, F.S.

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

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

Florida Telecommunications Relay

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

- Text telephone (TTY) and ASCII: Persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled use a TTY to type their conversation to a relay operator. This operator then reads this conversation to the hearing person being called.
- Voice carry over (VCO): Persons who are deaf or hard of hearing use their voice to speak directly to the hearing person being called. When the person being called speaks back, the operator types out what is said on a TTY or text display.
- Speech to Speech (STS): This technology allows speech-disabled persons to voice their conversation. Then, a specially trained relay operator repeats that speech-disabled person’s dialogue for the called party to better hear or understand.
- Relay conference capturing: Service for persons who are deaf or hard of hearing to engage in a group conversation setting, in either a video conference or conference call.
- CapTel: CapTel is a captioned telephone device that displays what the called party says using speech recognition software.⁹
- Voice: Allows standard telephone users to initiate calls to TTY users. The operator types the hearing person’s spoken words to the TTY user and then reads back the replies.
- Hearing Carry-Over (HCO): Persons who are hearing, but unable to speak directly into a phone due to speech disabilities, can listen to the called party. Then, the HCO user types back a response which is then relayed, via voice, by the relay operator to the called party, who then can speak back.
- Video Assisted Speech to Speech (VA-STTS): This technology allows persons with speech disabilities to use both a telephone and video device to make relay calls.
- Enhanced Speech to Speech: Features provided through enhanced speech to speech include the ability to set up call times, contacts, and faster call set up.

Florida Relay also provides services in Spanish.¹⁰

Advisory Committee for TASA

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

- Two deaf persons recommended by the Florida Association of the Deaf.

⁸ Florida Telecommunications Relay, Inc., *Florida Relay*, <https://www.ftri.org/relay> (last visited Feb 12, 2025).

⁹ Hamilton Relay, *CapTel (Captioned Telephone)*, <https://hamiltonrelay.com/how-it-works/captel-captioned-telephone.html> (last visited Feb 12, 2025).

¹⁰ Florida Telecommunications Relay, Inc., *Florida Relay*, *supra* note 8.

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

This committee meets twice per year in formal meetings organized and conducted by PSC staff. The most recent meetings were in June and October of 2024.¹¹ According to the PSC, not every organization listed to appoint individuals to the advisory council is still active in Florida. There are only three persons who have been appointed by the specified organizations.¹²

Funding TASA Services

Section 427.704, F.S., requires the PSC to implement a surcharge on each basic telecommunications access line (i.e. landline) to fund TASA services through FTRI. This surcharge is imposed on all local exchange telecommunications company subscribers by their local exchange telecommunications company as part of their regular bill.¹³ This surcharge is capped at \$0.25 per month, per access line, up to a total of 25 total access lines per customer.¹⁴ The amount, subject to these statutory limitations, is set by the PSC in order to fund FTRI's operations. For the year 2024-2025, the TASA surcharge per customer line is \$0.08 per month.¹⁵

Recommendations from the PSC's TASA Annual Report

The PSC posted its most recent TASA annual report in December of 2024 (2024 Report). This report made several recommendations regarding the TASA program. Specifically, the PSC states that Florida Relay "is facing a number of challenges in terms of technological changes that affects both the demand for equipment and the viability of the program's long-term funding." Furthermore, the PSC "believes that modernization of TASA is needed for the program to meet the evolving needs and preferences of consumers served by the program."¹⁶

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

¹² *Id.*

¹³ Section 427.704(4)(a).

¹⁴ Section 427.704(4)(a)-(b).

¹⁵ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 9.

¹⁶ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 11.

Technology Changes

In its 2024 report, the PSC stated that the telecommunications market and technologies have changed significantly since TASA was passed in 1991. In 2001, switched access lines¹⁷ numbered 12,030,592 in Florida.¹⁸ As of 2023, that number has dropped to 763,866—a decline of approximately 94 percent—and this number is expected to continue to decline.¹⁹ The first voice-over-internet protocol (VoIP) was not released until 1995²⁰—four years after TASA passed. Today, wireless and VoIP comprise the majority of the communications marketplace connecting consumers to the public switched network—however neither of these technologies were contemplated in TASA.

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

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

The PSC has found that wireless and broadband technologies—which are the majority of the telecommunications market as landlines become less prevalent—are not contemplated, and therefore not supported, by TASA and would require a statutory change to integrate.²¹

The PSC noted in its 2024 Report that participation in TASA services has continued to decline over the last decade. The chart below, provided in the 2024 Report, shows the total equipment distributed by FTRI each fiscal year from 2013 through 2023:²²

¹⁷ “Switched access lines” are how a traditional telephone (i.e. landline), connects to a local exchange carrier’s switch. See Federal Communications Commission Office of Economics and Analysis, *Voice Telephone Services: Status as of June 30, 2022*, pg. 16 (available at <https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf>). A reduction in these lines would indicate a reduction in landline subscribers.

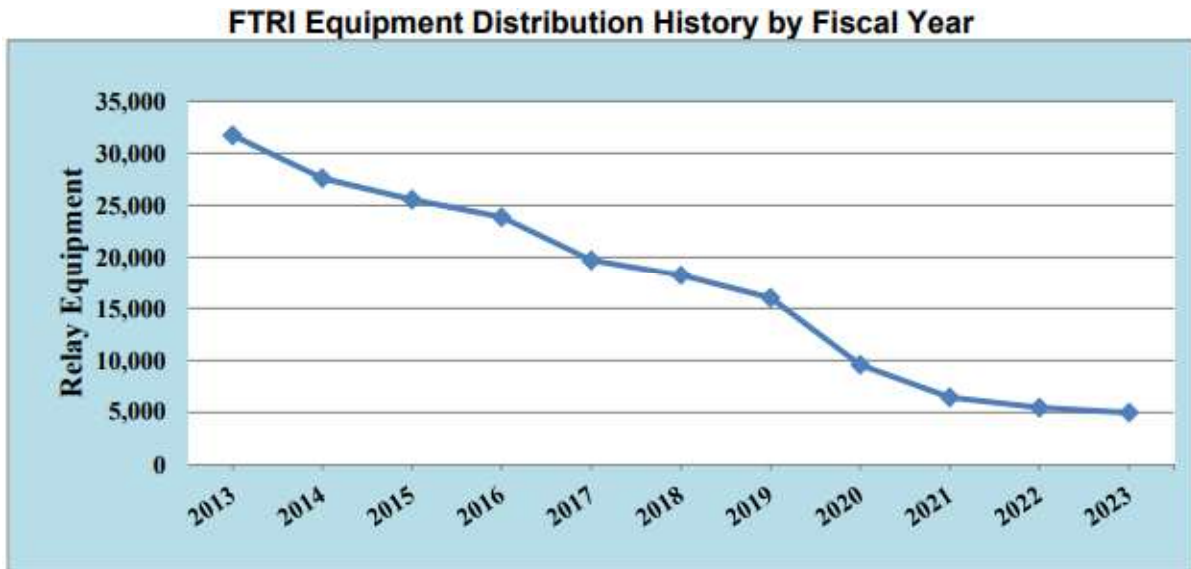
¹⁸ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Jun. 2002 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2002.pdf>).

¹⁹ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 11-12.

²⁰ History of Information, *VocalTec Releases "Internet Phone," the First Internet VoIP Application*, <https://www.historyofinformation.com/detail.php?id=1111> (last accessed Feb. 13, 2025).

²¹ *Id.* at 11; and *In re: Commission Approval of Florida Telecommunications Relay, Inc.'s Fiscal Year 2020/2021 Proposed Budget*, Docket No. 20200073-TP, Order No. PSC-2020-0220-PAA-TP, pg. 6 (F.P.S.C. Jun. 29, 2020).

²² Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 8.



The PSC also notes that there has been an “eighty-seven percent decline in new clients served and a seventy-seven percent decline in customer calls over the past ten years.”²³

Funding Challenges

As stated, s. 427.704, F.S., only assesses a surcharge on landline telecommunications to fund TASA services. Wireless and VoIP are not required to contribute. Thus, as fewer customers use landline telecommunications, potential revenue sources for TASA services will likely decline.²⁴

TASA Advisory Committee Eligibility

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

III. Effect of Proposed Changes:

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

- Telecommunications services provide rapid and essential communication links between the general public and essential services.
- All persons should have basic telecommunications services available to them at reasonable and affordable costs.
- Significant portions of Florida’s hearing and speech impaired populations have disabilities that render normal telephone equipment useless without specialized communications devices, which may cost several hundred dollars.

²³ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, supra note 11, pg. 6.

²⁴ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, supra note 11, pg. 11.

- The telecommunications system is intended to provide access to a basic communications network between all persons, and hearing and speech impaired may have no access to the basic telecommunications system.
- Persons with hearing or speech impairments are generally excluded from access to the basic telecommunications system without special equipment.
- There is a need for a telecommunications relay system where the cost of access to the basic telecommunications services for persons with hearing or speech impairment is no greater than the amount paid by other telecommunications customers.

In addition, the bill adds legislative intent to the section stating that the telecommunications access system should provide access to specialized communications technology capable of using existing or future devices or equipment.

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

Section 2 amends s. 427.703, F.S., to revise the definitions relating to TASA. Specifically, the bill makes technical revisions, including updating terminology referencing persons with specific disabilities, and:

- Revises the definition of “administrator” to delete references to the relay service system and the distribution of specialized telecommunications devices and provides that the administrator is to administer the telecommunications access system.
- Adds a definition for “commercial mobile radio service” or “CMRS” to mean a mobile radio communications service, provided for profit, which is interconnected to the public switched network and is available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.²⁵
- Adds a definition of “communications service” to mean service provided to subscribers through wireline telecommunications equipment, interconnected VoIP, or CMRS.
- Adds a definition for “interconnected voice over Internet protocol” or “interconnected VoIP” to mean a service that:
 - Enables subscribers to have real-time, two-way voice communications;
 - Requires a broadband connection;
 - Requires Internet compatible customer equipment; and
 - Allows subscribers to receive calls from and place calls to the public switched telephone network.²⁶
- Revises the definitions of “dual sensory impaired” person, “hearing impaired” person, and “speech impaired” person.
- Adds a definition for “specialized communications technology” to mean mobile devices, tablet computers, software, or applications that can be used to provide communications services to hearing impaired, speech impaired, or deafblind persons.

²⁵ More commonly known as mobile or wireless telephone service. As provided in the bill, however, CMRS does not include services that do not provide access to 911 service, communication channels suitable only for data transmission, wireless roaming services or other nonlocal radio access line services, or private telecommunications systems.

²⁶ The term, however, does not include services that do not provide access to 911 service or private telecommunications systems.

- Revises the definition of “specialized telecommunications device” to revise the equipment contemplated under the definition. The revision removes a reference to specifically designed (for persons with certain specified disabilities) customer premises telecommunications equipment for basic access to telecommunications services and replaces it with equipment that can be used to provide access to communications services for persons with specified disabilities. Essentially, the revision removes the requirement that the equipment be at a customer’s premises and that it be specifically designed for specified disabilities.
- Adds a definition for “telecommunications access system” to mean the system administered pursuant to TASA, and PSC rules adopted to administer TASA, including the administration of the telecommunications relay service system and the distribution of specialized telecommunications devices and specialized communications technologies.
- Revises the definition of “telecommunications device for the deaf” or “TDD” to add “text device,” removes a reference to “standard telephone line” (replacing it with communications network) and provides that signals from such devices may also come through communications service facilities other than just telephone lines.
- Revises the definition of “telecommunications relay service” to include the revised definitions for sensory impaired persons.

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

Relatedly, the PSC must set eligibility requirements for the distribution of this specialized communications technology. These requirements must be based upon income qualifications or participation in other state or federal programs based on income, which requirements must be set at no less than double, but no more than triple, the federal poverty level.²⁷ These eligibility requirements may not prohibit the administrator of TASA from providing access to specialized communications technologies if such access has a de minimis value.²⁸

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

Section 4 amends s. 427.705, F.S., to make technical revisions, including updating terminology referencing persons with specific disabilities. The section also revises the duties of the administrator to conform with the revisions in Section 3 of the bill allowing telecommunications access systems to provide equipment and specialized communications technology in addition to providing telecommunications relay services, and distribute specialized telecommunication devices as already authorized under TASA. The bill also makes revisions to allow the administrator to license such equipment. In addition, the section revises the persons that may

²⁷ The federal poverty guidelines for 2025 are \$15,650 for a single person household, for a two person household, it is \$21,150, for a three person household, it is \$26,650, and for a four person household it is \$32,150. <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Feb. 16, 2025).

²⁸ These provisions do not apply to specialized telecommunications devices using standard telephone lines.

provide statements attesting to hearing and speech impairment as part of the certification process to receive TASA services, allowing regional distribution center directors to do so.²⁹

Section 5 amends s. 427.706, F.S., to revise the composition of the TASA advisory committee. All of the specified composition of the committee from current statute³⁰ is repealed and replaced with persons recommended by organizations representing the following groups (to the extent practicable):

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

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

Section 6 amends s. 427.708, F.S., to make technical revisions.

Section 7 provides for an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁹ Under present law, only a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director, a state-certified teacher of the hearing impaired, a state-certified teacher of the visually impaired, or an appropriate state or federal agency may do so.

³⁰ Current statute specifies the following persons: 1) two deaf persons recommended by the Florida Association of the Deaf; 2) one hearing impaired person recommended by Self-Help for the Hard of Hearing, 3) one deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities, 4) one speech impaired person recommended by the Florida Language Speech and Hearing Association, 5) two representatives of telecommunications companies, 6) one person with experience in providing relay services recommended by the Deaf Service Center Association, 7) one person recommended by the Advocacy Center for Persons with Disabilities, Inc., and 8) one person recommended by the Florida League of Seniors.

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:

If the technological revisions to TASA made by this bill increase participation in TASA programs, it is likely that there will be an upward pressure on the budget approved by the PSC for FTRI. Currently, the surcharge on landlines in Florida is set at \$0.08 per line, with a statutory cap of \$0.25 per line per month, with a maximum of 25 lines charged per customer account per month. With increased participation in the TASA program, the PSC may need to raise this surcharge on customer bills. Thus, landline customers in Florida may see a slight increase in their bills.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Lines 260-261 of the bill specify that this section (s. 427.704, F.S.) “does not apply to specialized telecommunications devices using standard telephone lines.” However, given the placement and context of this provision, it appears that the provision was only intended to apply to the paragraph (1)(e) of the section. This may need revision.

Section 3 of the bill removes “basic” from the term “basic telecommunications system” for s. 427.404, F.S. This appears to be a technical/conforming change for s. 427.704, F.S. However, making this change on lines 297 and 303 of the bill—the portions dealing with the surcharge to fund TASA collected from landline account bills—could be construed (based on previous decisions made by the PSC and the 2024 Report) as the legislature intended to expand this surcharge to other types of telecommunications accounts. While this does not appear to be the intention of the bill, it may be advisable to leave the term “basic” on these lines to make this intention clear.

Section 6 of the bill appears to make a technical revision to add “telecommunications device for the deaf,” with an existing reference to TDD. This is likely unnecessary as “telecommunications device for the deaf” and “TDD” share the same definition for TASA as provided in s. 427.703, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 427.702, 427.703, 427.704, 427.705, 427.706, and 427.708.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Regulated Industries (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 260 - 462
and insert:
value. This paragraph does not apply to specialized telecommunications devices using standard telephone lines.

(3) (a) The commission shall select a ~~the~~ provider of ~~the~~ telecommunications relay service pursuant to procedures established by the commission. In selecting a ~~the~~ service provider, the commission shall take into consideration the cost



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11 of providing ~~the~~ relay service and the interests of the hearing
12 loss, speech impairment, and deafblind ~~impaired and speech~~
13 ~~impaired~~ community in having access to a high-quality and
14 technologically advanced telecommunications system. The
15 commission shall award the contract to the bidder whose proposal
16 is the most advantageous to the state, taking into consideration
17 the following:

18 1. The appropriateness and accessibility of the proposed
19 telecommunications relay service for the residents ~~citizens~~ of
20 this ~~the~~ state, including persons with hearing loss or speech
21 impairment or who are deafblind ~~who are hearing impaired or~~
22 ~~speech impaired~~.

23 2. The overall quality of the proposed telecommunications
24 relay service.

25 3. The charges for the proposed telecommunications relay
26 service system.

27 4. The ability and qualifications of the bidder to provide
28 the proposed telecommunications relay service as outlined in the
29 request for proposals.

30 5. Any proposed service enhancements and technological
31 enhancements which improve service without significantly
32 increasing cost.

33 6. Any proposed inclusion of provision of assistance to
34 deaf persons with special needs to access the ~~basic~~
35 telecommunications system.

36 7. The ability to meet the proposed commencement date for
37 the telecommunications relay service.

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

39 (4) (a) The commission shall establish a mechanism to



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40 recover the costs of implementing and maintaining the services
41 required pursuant to this part which must ~~shall~~ be applied to
42 each basic telecommunications access line. In establishing the
43 recovery mechanism, the commission shall:

44 1. Require all local exchange telecommunications companies
45 to impose a monthly surcharge on all local exchange
46 telecommunications company subscribers on an individual access
47 line basis, except that such surcharge may ~~shall~~ not be imposed
48 upon more than 25 basic telecommunications access lines per
49 account bill rendered.

50 2. Require all local exchange telecommunications companies
51 to include the surcharge as a part of the local service charge
52 that appears on the customer's bill, except that the local
53 exchange telecommunications company shall specify the surcharge
54 on the initial bill to the subscriber and itemize it at least
55 once annually.

56 3. Allow the local exchange telecommunications company to
57 deduct and retain 1 percent of the total surcharge amount
58 collected each month to recover the billing, collecting,
59 remitting, and administrative costs attributed to the surcharge.

60 ~~(5) The commission shall require each local exchange~~
61 ~~telecommunications company to begin assessing and collecting the~~
62 ~~surcharge in the amount of 5 cents per access line per month on~~
63 ~~bills rendered on or after July 1, 1991, for remission to the~~
64 ~~administrator for deposit in the operational fund. Each local~~
65 exchange telecommunications company shall remit moneys collected
66 to the administrator. ~~On August 15, 1991, each local exchange~~
67 ~~telecommunications company shall begin remitting the moneys~~
68 ~~collected to the administrator on a monthly basis and in a~~



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69 manner as prescribed by the commission. The administrator shall
70 use such moneys to administer the telecommunications access to
71 cover costs incurred during the development of the
72 telecommunications relay services and to establish and
73 administer the specialized telecommunications devices system.

74 ~~(6) The commission shall establish a schedule for~~
75 ~~completion of specific stages of the telecommunications relay~~
76 ~~service development and implementation except that the statewide~~
77 ~~telecommunications relay service shall commence on or before~~
78 ~~June 1, 1992.~~

79 ~~(7)~~ The commission shall require the administrator to
80 submit financial statements for the distribution of specialized
81 telecommunications devices and for specialized communications
82 technology and for the telecommunications relay service to the
83 commission quarterly, in the manner prescribed by the
84 commission.

85 ~~(7)(8)~~ The commission shall adopt rules and may take any
86 other action necessary to implement ~~the provisions of~~ this act.

87 ~~(8)(9)~~ The commission shall prepare an annual report on the
88 operation of the telecommunications access system and, which
89 shall make such report ~~be~~ available on the commission's ~~Internet~~
90 website. Reports must be prepared in consultation with the
91 administrator and the advisory committee appointed pursuant to
92 s. 427.706. The reports must, at a minimum, briefly outline the
93 status of developments in the telecommunications access system,
94 the number of persons served, the call volume, revenues and
95 expenditures, the allocation of the revenues and expenditures
96 between provision of specialized telecommunications devices and
97 specialized communications technologies to individuals and



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98 operation of statewide relay service, other major policy or
99 operational issues, and proposals for improvements or changes to
100 the telecommunications access system.

101 Section 4. Paragraphs (a) and (c) of subsection (1),
102 subsection (4), paragraphs (a) and (b) of subsection (5), and
103 subsection (7) of section 427.705, Florida Statutes, are amended
104 to read:

105 427.705 Administration of the telecommunications access
106 system.—

107 (1) Consistent with the provisions of this act and rules
108 and regulations established by the commission, the administrator
109 shall:

110 (a) Purchase, license, store, distribute, and maintain
111 specialized telecommunications devices, equipment, and
112 specialized communications technology, either directly or
113 through contract with third parties, or a combination thereof.

114 (c) Administer training services for recipients of
115 specialized telecommunications devices, equipment, and
116 specialized communications technology and for telecommunications
117 relay service users as directed by the commission through
118 contract with third parties.

119 (4) In contracting for the provision of distribution of
120 specialized telecommunications devices, outreach services, and
121 training of recipients, the administrator shall consider
122 contracting with organizations that provide services to persons
123 with hearing loss or speech impairment or who are deafblind ~~who~~
124 ~~are hearing impaired or speech impaired.~~

125 (5) The administrator shall provide for the distribution of
126 specialized telecommunications devices to persons qualified to



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127 receive such equipment in accordance with the provisions of this
128 act. The administrator shall establish procedures for the
129 distribution of specialized telecommunications devices and shall
130 solicit the advice and counsel and consider the recommendations
131 of the advisory committee in establishing such procedures. The
132 procedures shall:

133 (a) Provide for certification of persons with hearing loss
134 or speech impairment or who are deafblind ~~as hearing impaired,~~
135 ~~speech impaired, or dual sensory impaired.~~ Such certification
136 process must ~~shall~~ include a statement attesting to such
137 impairment by a licensed physician, audiologist, speech-language
138 pathologist, hearing aid specialist, ~~or~~ deaf service center
139 director, or regional distribution center director; by a state-
140 certified teacher of the hearing impaired; by a state-certified
141 teacher of the visually impaired; or by an appropriate state or
142 federal agency. The licensed physician, audiologist, speech-
143 language pathologist, hearing aid specialist, state-certified
144 teacher of the hearing impaired, or state-certified teacher of
145 the visually impaired providing statements which attest to such
146 impairments shall work within their individual scopes of
147 practice according to their education and training. The deaf
148 service center directors, regional distribution center
149 directors, and appropriate state and federal agencies shall
150 attest to such impairments as provided for in the procedures
151 developed by the administrator.

152 (b) Establish characteristics and performance standards for
153 specialized telecommunications devices and specialized
154 communications technologies determined to be necessary, and for
155 the selection of equipment to be purchased for distribution to



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156 qualified recipients. The characteristics and standards must
157 ~~shall~~ be modified as advances in equipment technology render
158 such standards inapplicable.

159 (7) The administrator shall assume responsibility for
160 distribution of specialized telecommunications devices and
161 specialized communications technologies.

162 Section 5. Subsections (1) and (2) of section 427.706,
163 Florida Statutes, are amended to read:

164 427.706 Advisory committee.—

165 (1) The commission shall appoint an advisory committee to
166 assist the commission with implementing ~~the implementation of~~
167 ~~the provisions of~~ this part. The committee shall be composed of
168 no more than 10 persons and shall include, to the extent
169 practicable, persons recommended by organizations representing,
170 the following groups:

171 (a) The ~~Two~~ deaf ~~persons recommended by the Florida~~
172 ~~Association of the Deaf.~~

173 (b) Persons with hearing loss ~~One hearing impaired person~~
174 ~~recommended by Self-Help for the Hard of Hearing.~~

175 (c) The deafblind ~~One deaf and blind person recommended by~~
176 ~~the Coalition for Persons with Dual Sensory Disabilities.~~

177 (d) Persons with speech impairment ~~One speech impaired~~
178 ~~person recommended by the Florida Language Speech and Hearing~~
179 ~~Association.~~

180 (e) The elderly ~~Two representatives of telecommunications~~
181 ~~companies.~~

182 (f) ~~One person with experience in providing~~
183 Telecommunication relay service distribution centers services
184 ~~recommended by the Deaf Service Center Association.~~



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185 (g) Communications service providers ~~One person recommended~~
186 ~~by the Advocacy Center for Persons with Disabilities, Inc.~~

187 ~~(h) One person recommended by the Florida League of~~
188 ~~Seniors.~~

189 (2) The advisory committee shall provide the expertise,
190 experience, and perspective of persons with hearing loss or
191 speech impairment or who are deafblind ~~who are hearing impaired~~
192 ~~or speech impaired~~ to the commission and to the administrator
193 during all phases of the development and operation of the
194 telecommunications access system. The advisory committee shall
195 advise the commission and the administrator on the quality and
196 cost-effectiveness of the telecommunications relay service and
197 the specialized telecommunications devices, equipment, and
198 specialized communications technologies distribution system. The
199 advisory committee may submit material for inclusion in the
200 annual report prepared pursuant to s. 427.704.

201
202 ===== T I T L E A M E N D M E N T =====

203 And the title is amended as follows:

204 Delete lines 19 - 23

205 and insert:

206 implementing the act; providing an effective date.

By Senator Rodriguez

40-00022B-25

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1 A bill to be entitled

2 An act relating to the Telecommunications Access

3 System Act of 1991; amending s. 427.702, F.S.;

4 revising the legislative findings, purpose, and intent

5 of the Telecommunications Access System Act of 1991;

6 amending s. 427.703, F.S.; defining and redefining

7 terms; amending s. 427.704, F.S.; revising the powers

8 and duties of the Florida Public Service Commission in

9 overseeing the administration of the

10 telecommunications access system; amending s. 427.705,

11 F.S.; revising the duties of the system's

12 administrator; revising the procedures required for

13 the distribution of specialized telecommunications

14 devices; requiring the administrator to assume

15 responsibility for the distribution of specialized

16 communications technologies; amending s. 427.706,

17 F.S.; revising the composition of the advisory

18 committee appointed to assist the commission with

19 implementing the act; amending s. 427.708, F.S.;

20 authorizing the central communications office of each

21 county sheriff's department to purchase and

22 continually operate at least one telecommunications

23 device for the deaf; providing an effective date.

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

27 Section 1. Present paragraphs (e) through (i) of subsection

28 (3) of section 427.702, Florida Statutes, are redesignated as

29 paragraphs (f) through (j), respectively, a new paragraph (e) is

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30 added to that subsection, and subsections (1) and (2) and

31 paragraphs (a) and (d) and present paragraphs (g) and (h) of

32 subsection (3) of that section are amended, to read:

33 427.702 Findings, purpose, and legislative intent.—

34 (1) The Legislature finds and declares that:

35 (a) Telecommunications services provide a rapid and

36 essential communications link among the general public and with

37 essential offices and organizations such as police, fire, and

38 medical facilities.

39 ~~(b) All persons should have basic telecommunications~~

40 ~~services available to them at reasonable and affordable costs.~~

41 ~~(c) A significant portion of Florida's hearing impaired and~~

42 ~~speech impaired populations has profound disabilities, including~~

43 ~~deaf sensory impairments, which render normal telephone~~

44 ~~equipment useless without additional specialized~~

45 ~~telecommunications devices, many of which cost several hundred~~

46 ~~dollars.~~

47 ~~(d) The telecommunications system is intended to provide~~

48 ~~access to a basic communications network between all persons~~

49 ~~and that many persons who have a hearing impairment or speech~~

50 ~~impairment currently have no access to the basic~~

51 ~~telecommunications system.~~

52 ~~(e) Persons who do not have a hearing impairment or speech~~

53 ~~impairment are generally excluded from access to the basic~~

54 ~~telecommunications system to communicate with persons who have a~~

55 ~~hearing impairment or speech impairment without the use of~~

56 ~~specialized telecommunications devices.~~

57 ~~(f) There exists a need for a telecommunications relay~~

58 ~~system whereby the cost for access to basic telecommunications~~

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59 ~~services for persons who have a hearing impairment or speech~~
 60 ~~impairment is no greater than the amount paid by other~~
 61 ~~telecommunications customers.~~

62 ~~(g)~~ The Federal Government, in order to carry out the
 63 purposes established by Title II of the Communications Act of
 64 1934, as amended, by the enactment of the Americans with
 65 Disabilities Act, endeavored to ensure that interstate and
 66 intrastate telecommunications relay services are available, to
 67 the extent possible and in the most efficient manner, to persons
 68 with hearing loss or speech impairment ~~hearing impaired and~~
 69 ~~speech impaired persons~~ in the United States.

70 ~~(b)(4)~~ Title IV of the Americans with Disabilities Act
 71 mandates that the telecommunications companies providing
 72 telephone services within the state shall provide
 73 telecommunications relay services on or before July 25, 1993, to
 74 persons with hearing loss or speech impairment ~~who are hearing~~
 75 ~~impaired or speech impaired~~ within their certificated
 76 territories in a manner that meets or exceeds the requirements
 77 of regulations to be prescribed by the Federal Communications
 78 Commission.

79 (2) ~~It is~~ The ~~declared~~ purpose of this part is to establish
 80 a system whereby the residents ~~citizens~~ of this state with
 81 hearing loss or speech impairment or who are deafblind ~~Florida~~
 82 ~~who are hearing impaired, speech impaired, or dual sensory~~
 83 ~~impaired~~ have access to ~~basic~~ telecommunications services at a
 84 cost no greater than that paid by other telecommunications
 85 services customers, and whereby the cost of both the specialized
 86 telecommunications equipment necessary to ensure that such
 87 residents ~~citizens~~ ~~who are hearing impaired, speech impaired or~~

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88 ~~that sensory impaired~~ have such access to ~~basic~~
 89 telecommunications services and the provision of
 90 telecommunications relay service is borne by all ~~the~~
 91 telecommunications customers in this of the state.

92 (3) It is the intent of the Legislature:

93 (a) That a telecommunications access system be established
 94 to provide equitable ~~basic~~ access to the telecommunications
 95 network for persons with hearing loss or ~~who are hearing~~
 96 ~~impaired, speech impairment impaired~~ or who are deafblind ~~and~~
 97 ~~sensory impaired.~~

98 (d) That the telecommunications access system includes the
 99 distribution of specialized telecommunications devices necessary
 100 for persons with hearing loss or ~~hearing impaired, speech~~
 101 ~~impairment impaired~~ or who are deafblind ~~that sensory impaired~~
 102 ~~persons~~ to access ~~basic~~ telecommunications services.

103 (e) That the telecommunications access system provides
 104 access to specialized telecommunications technology capable of using
 105 existing or future devices or equipment necessary for persons
 106 with hearing loss or speech impairment or who are deafblind to
 107 access telecommunications services.

108 (h)(4) That the telecommunications access system uses
 109 state-of-the-art technology for specialized telecommunications
 110 devices, specialized communications technology, and the
 111 telecommunications relay service and encourages the
 112 incorporation of new developments in technology, to the extent
 113 that it has demonstrated benefits consistent with the intent of
 114 this act and is in the best interest of the residents ~~citizens~~
 115 of this state.

116 (i)(4) That the value of the involvement of persons with

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117 hearing loss who have hearing or speech impairment, or who are
 118 deafblind impairments, and organizations representing or serving
 119 those persons, be recognized and such persons and organizations
 120 be involved throughout the development, establishment, and
 121 implementation of the telecommunications access system through
 122 participation on the advisory committee as provided in s.
 123 427.706.

124 Section 2. Present subsections (2), (3) through (6), (7),
 125 (8), and (9), (10), (11), (12), and (13) through (17) of section
 126 427.703, Florida Statutes, are redesignated as subsections (3),
 127 (5) through (8), (10), (11), and (12), (15), (14), (16), and
 128 (18) through (22), respectively, new subsections (2), (4), (9),
 129 (13), and (17) are added to that section, and subsection (1) and
 130 present subsections (4), (6), (10), (11), (12), (14), and (16)
 131 of that section are amended, to read:

132 427.703 Definitions.—As used in this part:

133 (1) "Administrator" means a corporation not for profit
 134 incorporated pursuant to ~~the provisions of~~ chapter 617 and
 135 designated by the Florida Public Service Commission to
 136 administer the telecommunications access system ~~relay service~~
 137 ~~system and the distribution of specialized telecommunications~~
 138 ~~devices~~ pursuant to the provisions of this act and rules and
 139 regulations established by the commission.

140 (2) "Commercial mobile radio service" or "CMRS" means a
 141 mobile radio communications service, provided for profit, which
 142 is interconnected to the public switched network and is
 143 available to the public or to such classes of eligible users as
 144 to be effectively available to a substantial portion of the
 145 public. The term does not include services that do not provide

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146 access to 911 service, communication channels suitable only for
 147 data transmission, wireless roaming services or other nonlocal
 148 radio access line services, or private telecommunications
 149 systems.

150 (4) "Communications service" means a service provided to
 151 subscribers through wireline telecommunications equipment,
 152 interconnected VoIP, or CMRS.

153 (6) ~~(4)~~ "Deafblind" ~~"Dual-sensory-impaired"~~ means having
 154 both a permanent hearing impairment and a permanent visual
 155 impairment and includes dual sensory impairment deaf/blindness.
 156 (8) ~~(6)~~ "Hearing loss impaired" or "having a hearing
 157 impairment" means deaf, late-deafened, or hard of hearing ~~and~~
 158 ~~for purposes of this part, includes being dual-sensory-impaired~~.

159 (9) "Interconnected voice over Internet protocol" or
 160 "interconnected VoIP" means a service that does all of the
 161 following:

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

164 (b) Requires a broadband connection.

165 (c) Requires customer equipment compatible with Internet
 166 protocol.

167 (d) Allows subscribers to receive calls from and place
 168 calls to the public switched telephone network. The term does
 169 not include services that do not provide access to 911 service
 170 or private telecommunications systems.

171 (13) "Specialized communications technology" means mobile
 172 devices, tablet computers, software, or applications that can be
 173 used to provide communications services to a hearing impaired,
 174 speech impaired, or deafblind person.

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175 (15)(10) "Speech impaired" or "having a speech impairment"
176 means having a permanent loss of verbal communication ability
177 which prohibits normal usage of a standard telephone handset.

178 (14)(11) "Specialized telecommunications device" means a
179 TDD, a volume control handset, a ring signaling device, or any
180 other customer premises telecommunications equipment that can be
181 specifically designed or used to provide basic access to
182 communications telecommunications services for a person with
183 hearing loss or speech impairment or who is deafblind hearing
184 ~~impaired, speech impaired, or dual sensory impaired person.~~

185 (16)(12) "Surcharge" means an additional charge which is to
186 be paid by local exchange telecommunications company subscribers
187 pursuant to the cost recovery mechanism established under s.
188 427.704(4) in order to implement the system described herein.

189 (17) "Telecommunications access system" means the system
190 administered, as defined in this section, and includes the
191 administration of the telecommunications relay service system
192 and the distribution of specialized telecommunications devices
193 and specialized communications technologies pursuant to this act
194 and rules and regulations established by the commission.

195 (19)(14) "Telecommunications device for the deaf," or
196 "TDD," or "text device" means a mechanism that which is
197 connected to a communications network standard telephone line,
198 operated by means of a keyboard, and used to transmit or receive
199 signals through telephone lines or other communications service
200 facilities.

201 (21)(16) "Telecommunications relay service" means any
202 telecommunications transmission service that allows a person
203 with hearing loss who is hearing impaired or speech impairment

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204 ~~speech impaired~~ to communicate by wire or radio in a manner that
205 is functionally equivalent to the ability of a person who does
206 not have hearing loss or speech impairment ~~to not hearing~~
207 ~~impaired or speech impaired.~~ Such term includes any service that
208 enables two-way communication between a person who uses a
209 telecommunications device or other nonvoice terminal device and
210 a person who does not use such a device.

211 Section 3. Subsection (1), paragraph (a) of subsection (3),
212 paragraph (a) of subsection (4), and subsections (5) through (9)
213 of section 427.704, Florida Statutes, are amended to read:
214 427.704 Powers and duties of the commission.—

215 (1) The commission shall establish, implement, promote, and
216 oversee the administration of a statewide telecommunications relay
217 access system to provide access to telecommunications relay
218 services by persons with hearing loss or speech impairment or
219 who are deafblind ~~who are hearing impaired or speech impaired,~~
220 or others who communicate with them. The telecommunications
221 access system must ~~shall~~ provide for the purchase and
222 distribution of specialized telecommunications devices,
223 equipment, specialized communications technology, and the
224 establishment of a statewide single provider telecommunications
225 relay service system that ~~which~~ operates continuously. To
226 provide telecommunications relay services and distribute
227 specialized telecommunications devices, equipment, and
228 specialized communications technology to persons with hearing
229 loss or speech impairment or who are deafblind ~~who are hearing~~
230 ~~impaired or speech impaired,~~ at a reasonable cost the commission
231 shall:

(a) Investigate, conduct public hearings, and solicit the

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233 advice and counsel of the advisory committee established

234 pursuant to s. 427.706 to determine the most cost-effective

235 method for providing telecommunications relay service and

236 distributing specialized telecommunications devices, equipment,

237 and specialized communications technology.

238 (b) Ensure that users of the telecommunications relay

239 service system pay rates no greater than the rates paid for

240 functionally equivalent voice communication services with

241 respect to such factors as duration of the call, time of day,

242 and distance from the point of origination to the point of

243 termination.

244 (c) Ensure that the telecommunications access system

245 protects the privacy of persons to whom services are provided

246 and that all operators maintain the confidentiality of all relay

247 service messages.

248 (d) Ensure that the telecommunications relay service system

249 complies with regulations adopted by the Federal Communications

250 Commission to implement Title IV of the Americans with

251 Disabilities Act.

252 (e) Set eligibility requirements for the distribution of

253 specialized communications technology based on income

254 qualifications or participation in other state or federal

255 programs based on income, which requirements must be set at no

256 less than double but no more than triple the federal poverty

257 level. Eligibility requirements may not prohibit the

258 administrator from providing access to specialized

259 communications technologies if such access has a de minimis

260 value. This section does not apply to specialized

261 telecommunications devices using standard telephone lines.

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262 (3) (a) The commission shall select a the provider of ~~the~~

263 telecommunications relay service pursuant to procedures

264 established by the commission. In selecting a the service

265 provider, the commission shall take into consideration the cost

266 of providing ~~the~~ relay service and the interests of the hearing

267 ~~loss, speech impairment, and deafblind ~~impaired and speech~~~~

268 ~~impaired~~ community in having access to a high-quality and

269 technologically advanced telecommunications system. The

270 commission shall award the contract to the bidder whose proposal

271 is the most advantageous to the state, taking into consideration

272 the following:

273 1. The appropriateness and accessibility of the proposed

274 telecommunications relay service for the residents ~~etieet~~ of

275 this the state, including persons with hearing loss or speech

276 impairment or who are deafblind ~~who are hearing-impaired or~~

277 ~~speech-impaired.~~

278 2. The overall quality of the proposed telecommunications

279 relay service.

280 3. The charges for the proposed telecommunications relay

281 service system.

282 4. The ability and qualifications of the bidder to provide

283 the proposed telecommunications relay service as outlined in the

284 request for proposals.

285 5. Any proposed service enhancements and technological

286 enhancements which improve service without significantly

287 increasing cost.

288 6. Any proposed inclusion of provision of assistance to

289 deaf persons with special needs to access the ~~base~~

290 telecommunications system.

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291 7. The ability to meet the proposed commencement date for
 292 the telecommunications relay service.
 293 8. All other factors listed in the request for proposals.
 294 (4) (a) The commission shall establish a mechanism to
 295 recover the costs of implementing and maintaining the services
 296 required pursuant to this part which ~~shall~~ be applied to
 297 each ~~base~~ telecommunications access line. In establishing the
 298 recovery mechanism, the commission shall:
 299 1. Require all local exchange telecommunications companies
 300 to impose a monthly surcharge on all local exchange
 301 telecommunications company subscribers on an individual access
 302 line basis, except that such surcharge may ~~shall~~ not be imposed
 303 upon more than 25 ~~base~~ telecommunications access lines per
 304 account bill rendered.
 305 2. Require all local exchange telecommunications companies
 306 to include the surcharge as a part of the local service charge
 307 that appears on the customer's bill, except that the local
 308 exchange telecommunications company shall specify the surcharge
 309 on the initial bill to the subscriber and itemize it at least
 310 once annually.
 311 3. Allow the local exchange telecommunications company to
 312 deduct and retain 1 percent of the total surcharge amount
 313 collected each month to recover the billing, collecting,
 314 remitting, and administrative costs attributed to the surcharge.
 315 (5) ~~the commission shall require each local exchange~~
 316 ~~telecommunications company to begin assessing and collecting the~~
 317 ~~surcharge in the amount of 5 cents per access line per month on~~
 318 ~~bills rendered on or after July 1, 1991, for remission to the~~
 319 ~~administrator for deposit in the operational fund.~~ Each local

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320 exchange telecommunications company shall remit moneys collected
 321 to the administrator. ~~On August 15, 1991, each local exchange~~
 322 ~~telecommunications company shall begin remitting the moneys~~
 323 ~~collected to the administrator~~ on a monthly basis and in a
 324 manner as prescribed by the commission. The administrator shall
 325 use such moneys to administer the telecommunications access to
 326 cover costs incurred during the development of the
 327 telecommunications relay services and to establish and
 328 administer the specialized telecommunications devices system.
 329 (6) ~~the commission shall establish a schedule for~~
 330 ~~completion of specific stages of the telecommunications relay~~
 331 ~~service development and implementation except that the statewide~~
 332 ~~telecommunications relay service shall commence on or before~~
 333 ~~June 1, 1992.~~
 334 (7) ~~The~~ commission shall require the administrator to
 335 submit financial statements for the distribution of specialized
 336 telecommunications devices and for specialized communications
 337 technology and for the telecommunications relay service to the
 338 commission quarterly, in the manner prescribed by the
 339 commission.
 340 (7) ~~(6)~~ The commission shall adopt rules and may take any
 341 other action necessary to implement ~~the provisions of~~ this act.
 342 (8) ~~(7)~~ The commission shall prepare an annual report on the
 343 operation of the telecommunications access system and ~~which~~
 344 shall make such report be available on the commission's ~~Internet~~
 345 website. Reports must be prepared in consultation with the
 346 administrator and the advisory committee appointed pursuant to
 347 s. 427.706. The reports must, at a minimum, briefly outline the
 348 status of developments in the telecommunications access system,

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 349 the number of persons served, the call volume, revenues and
 350 expenditures, the allocation of the revenues and expenditures
 351 between provision of specialized telecommunications devices and
 352 specialized communications technologies to individuals and
 353 operation of statewide relay service, other major policy or
 354 operational issues, and proposals for improvements or changes to
 355 the telecommunications access system.
 356 Section 4. Paragraphs (a) and (c) of subsection (1),
 357 subsection (4), paragraphs (a) and (b) of subsection (5), and
 358 subsection (7) of section 427.705, Florida Statutes, are amended
 359 to read:
 360 427.705 Administration of the telecommunications access
 361 system.—
 362 (1) Consistent with the provisions of this act and rules
 363 and regulations established by the commission, the administrator
 364 shall:
 365 (a) Purchase, license, store, distribute, and maintain
 366 specialized telecommunications devices, equipment, and
 367 specialized communications technology, either directly or
 368 through contract with third parties, or a combination thereof.
 369 (c) Administer training services for recipients of
 370 specialized telecommunications devices, equipment, and
 371 specialized communications technology and for telecommunications
 372 relay service users as directed by the commission through
 373 contract with third parties.
 374 (4) In contracting for the provision of distribution of
 375 specialized telecommunications devices, outreach services, and
 376 training of recipients, the administrator shall consider
 377 contracting with organizations that provide services to persons

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 378 with hearing loss or speech impairment or who are deafblind ~~who~~
 379 ~~are hearing impaired or speech impaired.~~
 380 (5) The administrator shall provide for the distribution of
 381 specialized telecommunications devices to persons qualified to
 382 receive such equipment in accordance with the provisions of this
 383 act. The administrator shall establish procedures for the
 384 distribution of specialized telecommunications devices and shall
 385 solicit the advice and counsel and consider the recommendations
 386 of the advisory committee in establishing such procedures. The
 387 procedures shall:
 388 (a) Provide for certification of persons with hearing loss
 389 or speech impairment or who are deafblind ~~as hearing impaired~~
 390 ~~speech impaired, or dual sensory impaired.~~ Such certification
 391 process must ~~shall~~ include a statement attesting to such
 392 impairment by a licensed physician, audiologist, speech-language
 393 pathologist, hearing aid specialist, ~~or~~ deaf service center
 394 director, or regional distribution center director; by a state-
 395 certified teacher of the hearing impaired; by a state-certified
 396 teacher of the visually impaired; or by an appropriate state or
 397 federal agency. The licensed physician, audiologist, speech-
 398 language pathologist, hearing aid specialist, state-certified
 399 teacher of the hearing impaired, or state-certified teacher of
 400 the visually impaired providing statements which attest to such
 401 impairments shall work within their individual scopes of
 402 practice according to their education and training. The deaf
 403 service center directors, regional distribution center
 404 directors, and appropriate state and federal agencies shall
 405 attest to such impairments as provided for in the procedures
 406 developed by the administrator.

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407 (b) Establish characteristics and performance standards for
 408 specialized telecommunications devices and specialized
 409 communications technologies determined to be necessary, and for
 410 the selection of equipment to be purchased for distribution to
 411 qualified recipients. The characteristics and standards must
 412 ~~shall~~ be modified as advances in equipment technology render
 413 such standards inapplicable.

414 (7) The administrator shall assume responsibility for
 415 distribution of specialized telecommunications devices and
 416 specialized communications technologies.

417 Section 5. Subsections (1) and (2) of section 427.706,
 418 Florida Statutes, are amended to read:
 419 427.706 Advisory committee.—

420 (1) The commission shall appoint an advisory committee to
 421 assist the commission with implementing the implementation of
 422 ~~the provisions of~~ this part. The committee shall be composed of
 423 no more than 10 persons and shall include, to the extent
 424 practicable, persons recommended by organizations representing
 425 the following groups:

- 426 (a) ~~The two deaf persons recommended by the Florida~~
- 427 ~~Association of the Deaf.~~
- 428 (b) Persons with hearing loss one hearing impaired person
- 429 ~~recommended by Self-Help for the Hard of Hearing.~~
- 430 (c) The deafblind one deaf and blind person recommended by
- 431 ~~the Coalition for Persons with Dual Sensory Disabilities.~~
- 432 (d) Persons with speech impairment one speech-impaired
- 433 ~~person recommended by the Florida Language-Speech and Hearing~~
- 434 ~~Association.~~
- 435 (e) The elderly two representatives of telecommunications

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436 ~~companies.~~

437 (f) One person with experience in providing

438 Telecommunication relay service distribution centers services

439 ~~recommended by the Deaf Service Center Association.~~

440 (g) Communications service providers one person recommended

441 by the Advocacy Center for Persons with Disabilities, Inc.

442 ~~(h) One person recommended by the Florida League of~~

443 ~~Seniors.~~

444 (2) The advisory committee shall provide the expertise,
 445 experience, and perspective of persons with hearing loss or
 446 speech impairment or who are deafblind who are hearing-impaired
 447 ~~or speech-impaired~~ to the commission and to the administrator
 448 during all phases of the development and operation of the
 449 telecommunications access system. The advisory committee shall
 450 advise the commission and the administrator on the quality and
 451 cost-effectiveness of the telecommunications relay service and
 452 the specialized telecommunications devices, equipment, and
 453 specialized telecommunications technologies distribution system. The
 454 advisory committee may submit material for inclusion in the
 455 annual report prepared pursuant to s. 427.704.

456 Section 6. Subsection (1) of section 427.708, Florida
 457 Statutes, is amended to read:
 458 427.708 Certain public safety and health care providers
 459 required to purchase and operate TDD's.—

460 (1) The central communications office of each county
 461 sheriff's department shall purchase and continually operate at
 462 least one telecommunications device for the deaf (TDD) #DD.
 463 Section 7. This act shall take effect July 1, 2025.

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The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: February 3, 2025

I respectfully request that **Senate Bill #344**, relating to Telecommunications Access System Act of 1991, be placed on the:

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

A handwritten signature in black ink, appearing to read "A. M. Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

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 Regulated Industries

BILL: SPB 7006

INTRODUCER: For consideration by the Regulated Industries Committee

SUBJECT: Public Records and Meetings/NG911 Systems

DATE: February 17, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schrader	Imhof		Pre-meeting

I. Summary:

SPB 7006 saves from repeal the current public records exemptions for the following information:

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.¹
- Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

The bill also saves from repeal a public meeting exemption in s. 286.0113(4), F.S., for any portion of a meeting that would reveal the above information, as well as a public record exemption for any recordings or transcripts of the exempt meetings.

The bill also adds Next Generation 911 (NG911) systems to the above systems protected by the public record and public meeting exemptions.

The exemptions are required to protect 911, E911, NG911, or public safety radio communication services to ensure the security of emergency communication infrastructure, structures, and facilities. Any disruption to 911, E911, NG911, or public safety radio communication services during an active shooter or other terror event is very likely to result in greater loss of life and property damage. To function properly, towers and antennae supporting these systems need to be

¹ Section 119.011(2), F.S., defines an “agency,” under Florida’s public records law in ch. 119, F.S., to include “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

visible, increasing the security risk of such facilities. Because architectural and engineering plans reviewed and held by counties, municipalities, and other government agencies include information about towers, equipment, ancillary facilities, critical systems, and restricted areas, these plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities. Information contained in these documents could aid in the planning and execution of criminal actions, including cybercrime, arson, and terrorism.

The Open Government Sunset Review Act requires the Legislature to review each public record and public meeting exemption 5 years after enactment. These exemptions are scheduled to repeal on October 2, 2025. The bill revises the scheduled repeals and sets them for repeal on October 2, 2030.

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.² This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.³ In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.⁴ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁵ The Public Records Act states that:

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁶

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁷ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official

² FLA. CONST. art. I, s. 24(a).

³ *Id.*

⁴ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S., and FLA. CONST. art. I, s. 24(b). Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁵ Public records laws are found throughout the Florida Statutes.

⁶ Section 119.01(1), F.S.

⁷ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.¹⁰ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption, which does not meet these two criteria, may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹³ Records designated “confidential and exempt” may be released by the records custodian only under the circumstances defined by statutory exemptions. Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁴

Open Meetings Laws

The Florida Constitution provides that the public has a right to access governmental meetings.¹⁵ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁶ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.¹⁷

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”¹⁸ or the

⁸ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id.*

¹² *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁵ FLA. CONST., art. I, s. 24(b).

¹⁶ *Id.*

¹⁷ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁸ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

“Sunshine Law,”¹⁹ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²⁰ The board or commission must provide the public reasonable notice of such meetings.²¹ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²² Minutes of a public meeting must be promptly recorded and open to public inspection.²³ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁴ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁵

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.²⁶ The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁷ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁸

Open Government Sunset Review Act

Section 119.15, F.S., the Open Government Sunset Review Act (OGSR), prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.²⁹ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or a substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.³⁰ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³¹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;³²

¹⁹ *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

²⁰ Section 286.011(1)-(2), F.S.

²¹ *Id.*

²² Section 286.011(6), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(1), F.S.

²⁵ Section 286.011(3), F.S.

²⁶ FLA. CONST., art. I, s. 24(c).

²⁷ *Id.*

²⁸ *See supra* note 12.

²⁹ Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

³⁰ Section 119.15(3), F.S.

³¹ Section 119.15(6)(b), F.S.

³² Section 119.15(6)(b)1., F.S.

- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³³ or
- It protects trade or business secrets.³⁴

The OGSR also requires specified questions to be considered during the review process.³⁵ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption. If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁶ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.³⁷

Florida 911 System

Since 1973, the state of Florida, in conjunction with Florida's counties, has funded technological advancements in statewide emergency number systems (i.e. 911 systems) for emergency communications between citizens and visitors and emergency services. Basic 911 service was established statewide in 1997. In 2005, wireline enhanced E911 service was implemented in all of Florida's 67 counties to obtain a 911 caller's telephone number and address. In 2007, Florida's wireless 911 board transitioned to the E911 Board with the intent of implementing enhanced 911 services. Phase I of the enhanced services provided call back numbers and the location of cell sites utilized for making the call into 911; Phase II provided location information for the actual cellular caller. These enhancements were completed March 31, 2008.³⁸ Currently, Florida's counties are working on technical, funding, and deployment issues in an effort to provide statewide text-to-911 services. As of February 2025, 64 of Florida's 67 counties offer text-to-911 service.³⁹

³³ Section 119.15(6)(b)2., F.S.

³⁴ Section 119.15(6)(b)3., F.S.

³⁵ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁶ FLA. CONST. art. I, s. 24(c).

³⁷ Section 119.15(7), F.S.

³⁸ Department of Management Services, *Florida 911*, https://www.dms.myflorida.com/business_operations/telecommunications/public_safety_communications/florida_911 (last visited: Feb 13, 2025).

³⁹ Department of Management Services, *Florida Text-to-911 Status (by county)*, <https://www.arcgis.com/apps/dashboards/3a78afa830ca4b40bb8adb6ac0c45b25> (last visited Feb 13, 2025).

2023 Revisions to Florida's Emergency Communications Law

In 2023, Florida passed SB 1418 which made several changes to Florida's Emergency Communications Law support to reflect the transition from enhanced 911 (E911) to Next Generation 911 (NG911), to revise legislative intent regarding such services, and to revise the composition, name, duties, and meeting frequency of the current E911 Board (renamed in the bill to be the Emergency Communications Board [EC Board]).⁴⁰ Under the bill, the EC Board was given the additional responsibility of advocating and developing policy recommendations to ensure interoperability and connectivity between public safety communication systems within the state. The EC Board was also authorized, under the bill, to establish a schedule for implementing NG911 systems, public safety radio communications systems, and other public safety communications improvements. The EC Board may prioritize disbursement of revenues pursuant to this schedule to implement 911 services in the most efficient and cost-effective manner.

The bill also revised the distribution of revenue collected from a monthly fee to fund 911 services assessed on voice communications services in the state, removed county exceptions to the state's uniform rate for this fee, and revised the expenditures that are eligible to be paid by revenue collected from this fee. The EC Board was directed to ensure that county recipients of funds only use such funds for the purposes for which they have been provided. If the EC Board determines such funds were not used for the purposes for which they were provided, the EC Board was authorized to secure county repayment of improperly used funds. Changes, modifications, or upgrades to the emergency communications systems or services must be made in cooperation with the head of each law enforcement agency served by the primary Public Safety Answering Point (PSAP) in each county.

The bill also required the Department of Management Services Division of Telecommunications to develop a plan by December 30, 2023, to upgrade 911 PSAPs within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state by December 30, 2033.

Public Record and Public Meeting Exemptions Related to Security and Firesafety

Current law provides public record and public meeting exemptions for certain information related to security systems. The law specifies the circumstances under which the information may be disclosed and to whom it may be disclosed.

Security and Firesafety Plan

Section 119.071(3)(a)1., F.S., defines a "security or firesafety plan" to include:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security or firesafety of the facility or revealing security or firesafety systems;
- Threat assessments conducted by any agency or any private entity;
- Threat response plans;
- Emergency evacuation plans;

⁴⁰ Chapter 2023-55, Laws of Fla.

- Sheltering arrangements; or
- Manuals for security or firesafety personnel, emergency equipment, or security or firesafety training.

A security or firesafety plan or any portion thereof that is held by an agency⁴¹ is confidential and exempt from public record requirements if the plan is for any property owned by or leased to the state or any of its political subdivisions or any privately owned or leased property.⁴² An agency is authorized to disclose the confidential and exempt information:

- To the property owner or leaseholder;
- In furtherance of the official duties and responsibilities of the agency holding the information;
- To another local, state or federal agency in furtherance of that agency's official duties and responsibilities; or
- Upon a showing of good cause before a court of competent jurisdiction.⁴³

Any portion of a meeting that would reveal a security or firesafety system plan or portion thereof is also exempt from public meetings requirements.⁴⁴

Building Plans, Blueprints, Schematic Drawings and Diagrams

Section 119.071(3)(b)1., F.S., makes confidential and exempt from public record requirements building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency.

This information may be disclosed:

- To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
- To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or
- Upon a showing of good cause before a court of competent jurisdiction.⁴⁵

The entities or persons receiving such information must maintain the exempt status of the information.⁴⁶

Section 119.071(3)(c)1., F.S., makes confidential and exempt from public record requirements building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service

⁴¹ *Supra* note 1.

⁴² Section 119.071(3)(a)2., F.S.

⁴³ Section 119.071(3)(a)3., F.S.

⁴⁴ Section 286.0113(1), F.S.

⁴⁵ Section 119.071(3)(b)3., F.S.

⁴⁶ Section 119.071(3)(b)4., F.S.

development, office development, health care facility, or hotel or motel development.⁴⁷ Section 119.071(3)(c)3., F.S., specifies that this exemption does not apply to comprehensive plans or site plans, or amendments thereto, which are submitted for approval or which have been approved under local land development regulations, local zoning regulations, or development-of-regional-impact review.

Information relating to the Nationwide Public Safety Broadband Network

Section 119.071(3)(d), F.S., makes confidential and exempt from public records requirements information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C. ss. 1401 et seq., held by an agency if the release would reveal:

- The design, development, construction, deployment, and operation of network facilities;
- Network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;
- The features, functions, and capabilities of network infrastructure and facilities;
- The features, functions, and capabilities of network services provided to first responders, as defined in s. 112.1815, F.S., and other network users;
- The design, features, functions, and capabilities of network devices provided to first responders and other network users; or
- Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

Specific Cybersecurity Public Record and Public Meeting Exemptions

In 2022, the Legislature enacted s. 119.0725(3), F.S., to create a new public records exemption, applicable to all agencies, for certain information relating to cybersecurity. Specifically, the following information is made confidential and exempt from public inspection and copying requirements:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency.
- Information related to critical infrastructure.⁴⁸
- Cybersecurity incident information contained in certain reports.
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:
 - Data or information, whether physical or virtual; or
 - Information technology resources, which include an agency’s existing or proposed information technology systems.

⁴⁷ This paragraph provides definitions for “attractions and recreation facility,” “entertainment or resort complex,” “Industrial complex,” “retail and service development,” “office development,” “health care facility,” “hotel or motel development.” See s. 119.071(3)(c)5., F.S.

⁴⁸ “Critical infrastructure” means existing and proposed information technology and operation technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety. See s. 119.0725(1)(b), F.S.

Section 119.0725(3), F.S., also creates a public meeting exemption for any portion of a meeting that would reveal the information made confidential and exempt pursuant to s. 119.0725(2), F.S.; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record inspection and copying requirements.

The exemptions codified in s. 119.0725, F.S., stand repealed on October 2, 2027, unless reviewed and saved from repeal by reenactment by the legislature.

Public Record and Meeting Exemptions Specific to 911, E911, and Public Safety Radio Communications Systems

In 2020, the Legislature created public record exemptions in s. 119.071(3)(e), F.S., for the following information:⁴⁹

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.
- Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

Also, in 2020, the Legislature created a public meeting exemption in s. 286.0113(4), F.S.,⁵⁰ for any portion of a meeting that would reveal the above information, as well as a public record exemption for any recordings or transcripts of the exempt meetings.

In expressing the need for the above public records and public meetings exemptions, the bill's public necessity statements cite to:

- The need to ensure the security of emergency communication infrastructure, structures, and facilities;
- 911, E911, and public safety radio communication facilities, including towers and antennae, being a vital link in the chain of survival;
- The need that such critical infrastructure be protected as any disruption during an active shooter or other terror event is very likely to result in greater loss of life and property damage;
- The need for towers and antennae to be visible, increasing the security risk of such facilities. Because architectural and engineering plans reviewed and held by counties, municipalities, and other government agencies include information about towers, equipment, ancillary facilities, critical systems, and restricted areas, these plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities; and

⁴⁹ Chapter 2020-13, Laws of Fla.

⁵⁰ *Id.*

- Information contained in these documents could aid in the planning of and execution of criminal actions, including cybercrime, arson, and terrorism.

The public record and public meeting exemptions stand repealed on October 2, 2025, unless reviewed and saved from repeal by the Legislature under the Open Government Sunset Review Act.

Open Government Sunset Review Findings and Recommendations

Staff of the Senate Committee on Regulated Industries and the House of Representatives Ethics, Elections & Open Government Subcommittee⁵¹ jointly developed a survey requesting that operators review and provide feedback on the public records exception in s. 119.071(3)(e), F.S., and the public meetings exception in s. 286.0113(4), F.S. These surveys were provided to the Florida's counties, law enforcement agencies, and 911 dispatchers.

Staff of the Senate Committee on Regulated Industries received a total of 54 responses to this survey. Of the 49 respondents providing feedback regarding the public records exception in s. 119.071(3)(e), F.S., 42 responded that the paragraph be reenacted "as is." Seven respondents suggested that the paragraph be reenacted with changes. Similarly, of the 46 respondents providing feedback regarding the public meetings exception in s. 286.0113(4), F.S., 41 responded that the subsection be reenacted "as is." Five respondents suggested that the paragraph be reenacted with changes.

The changes suggested by the respondents included adding NG911 revisions, data obtained from 911 calls and operations, software applications, and technological components of the public safety communications system to the exemption.

Respondents also noted some additional areas of potential overlap of protection with s. 119.071(3)(e), F.S., which include:

- The Federal Wireless Communications and Public Safety Act of 1999;
- Rules of the Public Safety and Homeland Security Bureau;
- The Federal Communications Commission's rules on E911;
- Section 119.071(3)(a), F.S., which provides exemptions for security and firesafety system plans;
- Section 119.071(3)(b), F.S., which provides exemptions for building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency;
- Section 119.071(2), F.S., which provides exemptions for agency investigations;
- Section 119.0725, F.S., which provides exemptions for specified cybersecurity risks;
- Section 365.171, F.S., which provides exemptions for records, recordings, or information obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency;

⁵¹ Renamed the Government Operations Subcommittee by House Rule 7.1(a)(8)a.

- Article 1, Section 16 (b)-(e) of the Florida Constitution (also known as Marsy’s Law).

However, the respondents appear to believe these compliment the exemptions under review, but do not replace the need for the exemption.

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(3)(e), F.S., to revise the scheduled repeal date of the current public records exemptions for the following information:

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.⁵²
- Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

The bill also adds Next Generation 911 (NG911) systems to the above public record exemptions. Under s. 119.15, F.S., a law that substantially amends an existing exemption must be repealed at the end of 5 years and reviewed by the Legislature before the scheduled repeal date. An exemption is substantially amended if it expands the scope of the exemption to include more records or information and to include meetings as well as records. NG911 is a new program currently under development.

The revised scheduled date of repeal of the section would be October 2, 2030.

Section 2 amends s. 286.0113(4), F.S., to revise the scheduled repeal of a public meeting exemption in s. 286.0113(4), F.S., for any portion of a meeting that would reveal the above information, as well as a public record exemption for any recordings or transcripts of the exempt meetings. The revised scheduled date of repeal of the section would be October 2, 2030.

The bill also adds Next Generation 911 (NG911) systems to the above public meeting exemption.

Section 3 provides a statement of public necessity as required by s. 24(c), Article I of the Florida Constitution stating that such protections are necessary to ensure the security of emergency communication infrastructure, structures, and facilities—this includes the NG911 system.

Section 4 provides that the bill is effective upon becoming a law.

⁵² *Supra* note 1.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill does expand an exemption; thus, the bill does require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill does expand an exemption; thus, a statement of public necessity is required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemptions in the bill do not appear to be broader than necessary to accomplish the purposes of the laws.

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: 119.071 and 286.0113.

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.

FOR CONSIDERATION BY the Committee on Regulated Industries

580-01924A-25

20257006pb

1 A bill to be entitled

2 An act relating to public records and meetings;
3 amending s. 119.071, F.S.; expanding an exemption from
4 public records requirements for certain components of
5 911, E911, and public safety radio communication
6 systems to include NG911 systems; extending the date
7 for future legislative review and repeal of the
8 exemption; amending s. 286.0113, F.S.; expanding an
9 exemption from public meetings requirements for
10 certain portions of meetings that would reveal certain
11 components of 911, E911, and public safety radio
12 communication systems to include NG911 systems;
13 extending the date for future legislative review and
14 repeal of the exemption; providing a statement of
15 public necessity; providing an effective date.

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

18
19 Section 1. Paragraph (e) of subsection (3) of section
20 119.071, Florida Statutes, is amended to read:
21 119.071 General exemptions from inspection or copying of
22 public records.—

23 (3) SECURITY AND FIRESAFETY.—

24 (e)1.a. Building plans, blueprints, schematic drawings, and
25 diagrams, including draft, preliminary, and final formats, which
26 depict the structural elements of 911, E911, NG911, or public
27 safety radio communication system infrastructure, including
28 towers, antennae, equipment or facilities used to provide 911,
29 E911, NG911, or public safety radio communication services, or

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30 other 911, E911, NG911, or public safety radio communication
31 structures or facilities owned and operated by an agency are
32 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
33 Constitution.

34 b. Geographical maps indicating the actual or proposed
35 locations of 911, E911, NG911, or public safety radio
36 communication system infrastructure, including towers, antennae,
37 equipment or facilities used to provide 911, E911, NG911, or
38 public safety radio services, or other 911, E911, NG911, or
39 public safety radio communication structures or facilities owned
40 and operated by an agency are exempt from s. 119.07(1) and s.
41 24(a), Art. I of the State Constitution.

42 2. This exemption applies to building plans, blueprints,
43 schematic drawings, and diagrams, including draft, preliminary,
44 and final formats, which depict the structural elements of 911,
45 E911, NG911, or public safety radio communication system
46 infrastructure or other 911, E911, NG911, or public safety radio
47 communication structures or facilities owned and operated by an
48 agency, and geographical maps indicating actual or proposed
49 locations of 911, E911, NG911, or public safety radio
50 communication system infrastructure or other 911, E911, NG911,
51 or public safety radio communication structures or facilities
52 owned and operated by an agency, before, on, or after the
53 effective date of this act.

54 3. Information made exempt by this paragraph may be
55 disclosed:

56 a. To another governmental entity if disclosure is
57 necessary for the receiving entity to perform its duties and
58 responsibilities;

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59 b. To a licensed architect, engineer, or contractor who is
60 performing work on or related to the 911, E911, E911, NG911, or public
61 safety radio communication system infrastructure, including
62 towers, antennae, equipment or facilities used to provide 911,
63 E911, NG911, or public safety radio communication services, or
64 other 911, E911, NG911, or public safety radio communication
65 structures or facilities owned and operated by an agency; or
66 c. Upon a showing of good cause before a court of competent
67 jurisdiction.
68 4. The entities or persons receiving such information must
69 maintain the exempt status of the information.
70 5. For purposes of this paragraph, the term "public safety
71 radio" is defined as the means of communication between and
72 among 911 public safety answering points, dispatchers, and first
73 responder agencies using those portions of the radio frequency
74 spectrum designated by the Federal Communications Commission
75 under 47 C.F.R. part 90 for public safety purposes.
76 6. This paragraph is subject to the Open Government Sunset
77 Review Act in accordance with s. 119.15 and shall stand repealed
78 on October 2, ~~2030~~, unless reviewed and saved from repeal
79 through reenactment by the Legislature.
80 Section 2. Subsection (4) of section 286.0113, Florida
81 Statutes, is amended to read:
82 286.0113 General exemptions from public meetings.-
83 (4) (a) Any portion of a meeting that would reveal building
84 plans, blueprints, schematic drawings, or diagrams, including
85 draft, preliminary, and final formats, which depict the
86 structural elements of 911, E911, NG911, or public safety radio
87 communication system infrastructure, including towers, antennae,

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88 equipment or facilities used to provide 911, E911, E911, NG911, or
89 public safety radio communication services, or other 911, E911,
90 NG911, or public safety radio communication structures or
91 facilities made exempt by s. 119.071(3) (e)1.a. is exempt from s.
92 286.011 and s. 24, Art. I of the State Constitution.
93 (b) Any portion of a meeting that would reveal geographical
94 maps indicating the actual or proposed locations of 911, E911,
95 NG911, or public safety radio communication system
96 infrastructure, including towers, antennae, equipment or
97 facilities used to provide 911, E911, NG911, or public safety
98 radio communication services, or other 911, E911, NG911, or
99 public safety radio communication structures or facilities made
100 exempt by s. 119.071(3) (e)1.b. is exempt from s. 286.011 and s.
101 24, Art. I of the State Constitution.
102 (c) No portion of an exempt meeting under paragraph (a) or
103 paragraph (b) may be off the record. All exempt portions of such
104 meeting shall be recorded and transcribed. Such recordings and
105 transcripts are confidential and exempt from disclosure under s.
106 119.07(1) and s. 24(a), Art. I of the State Constitution unless
107 a court of competent jurisdiction, after an in camera review,
108 determines that the meeting was not restricted to the discussion
109 of the information made exempt by s. 119.071(3) (e)1.a. or b. In
110 the event of such a judicial determination, only that portion of
111 the recording and transcript which reveals nonexempt information
112 may be disclosed to a third party.
113 (d) For purposes of this subsection, the term "public
114 safety radio" is defined as the means of communication between
115 and among 911 public safety answering points, dispatchers, and
116 first responder agencies using those portions of the radio

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117 frequency spectrum designated by the Federal Communications
 118 Commission under 47 C.F.R. part 90 for public safety purposes.
 119 (e) This subsection is subject to the Open Government
 120 Sunset Review Act in accordance with s. 119.15 and shall stand
 121 repealed on October 2, 2030 ~~2025~~, unless reviewed and saved from
 122 repeal through reenactment by the Legislature.
 123 Section 3. The Legislature finds that it is a public
 124 necessity that building plans, blueprints, schematic drawings,
 125 and diagrams, including draft, preliminary, and final formats,
 126 which depict the structural elements of 911, E911, NG911, or
 127 public safety radio communication system infrastructure,
 128 including towers, antennae, equipment, or facilities used to
 129 provide 911, E911, NG911, or public safety radio communication
 130 services, and other 911, E911, NG911, or public safety radio
 131 communication structures or facilities owned and operated by an
 132 agency, and geographical maps indicating the actual or proposed
 133 locations of such communication system infrastructure,
 134 structures, or facilities be made exempt from s. 119.07(1),
 135 Florida Statutes, and s. 24(a), Article I of the State
 136 Constitution to ensure the security of emergency communication
 137 infrastructure, structures, and facilities. The Legislature
 138 finds that it is a public necessity that any portion of a
 139 meeting revealing such documents and maps held by an agency be
 140 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
 141 Article I of the State Constitution. Building plans, blueprints,
 142 schematic drawings, and diagrams, including draft, preliminary,
 143 and final formats, received and held by counties,
 144 municipalities, and other governmental agencies which depict the
 145 structural elements of 911, E911, NG911, or public safety radio

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146 communication system infrastructure, structures, and facilities
 147 are currently subject to release as public records upon request.
 148 Similarly, geographical maps showing the present or proposed
 149 locations of such 911, E911, NG911, or public safety radio
 150 communication system infrastructure, structures, and facilities
 151 which are in the possession of counties, municipalities, and
 152 other governmental agencies are also subject to release as
 153 public records upon request. Counties, municipalities, and other
 154 governmental agencies may review the building plans or
 155 geographical maps to ensure compliance with land development
 156 regulations, building codes, agency rules, and standards to
 157 protect the public health and safety. These building plans
 158 include diagrams and schematic drawings of emergency
 159 communication systems, electrical systems, and other physical
 160 plant and security details which depict the structural elements
 161 of such emergency communications facilities and structures. Such
 162 911, E911, NG911, and public safety radio communication
 163 facilities, including towers and antennae, are a vital link in
 164 the chain of survival. This critical infrastructure must be
 165 protected because any disruption during an active shooter or
 166 other terror event is very likely to result in greater loss of
 167 life and property damage. To function properly, towers and
 168 antennae need to be visible, increasing the security risk of
 169 such facilities. Because architectural and engineering plans
 170 reviewed and held by counties, municipalities, and other
 171 government agencies include information about towers, equipment,
 172 ancillary facilities, critical systems, and restricted areas,
 173 these plans could be used by criminals or terrorists to examine
 174 the physical plant for vulnerabilities. Information contained in

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175 these documents could aid in the planning of, training for, and
176 execution of criminal actions, including cybercrime, arson, and
177 terrorism. Consequently, the Legislature finds that it is a
178 public necessity to exempt such information from public records
179 and public meetings requirements to reduce exposure to security
180 threats and to protect the public.

181 Section 4. This act shall take effect upon becoming a law.