Committee on Regulated Industries

CS/CS/HB 125 — Utility System Rate Base Values

by Commerce Committee; Energy, Communications and Cybersecurity Subcommittee; and Rep. McClain (CS/SB 194 by Regulated Industries Committee and Senator Hooper)

The bill creates s. 367.0811, F.S., to authorize public water and wastewater utilities to utilize an alternative fair market valuation methodology to establish the rate base for an acquired water or wastewater utility system using the lesser of either:

- The purchase price paid for the acquired utility; or
- The average of three appraisals of the value of the acquired utility (appraised by three licensed appraisers chosen from a list established by the Florida Public Service Commission (PSC).

The acquiring utility and the utility system to be acquired (acquiree) must jointly retain a licensed engineer to assess the tangible assets of the acquiree. This assessment must be provided to the appraisers to assist in valuing the acquiree.

A rate base petition filed pursuant to s. 367.0811, F.S., must include a number of disclosures relating to the specifics of the acquisition, projected rate impacts, and, in some circumstances, a rate stabilization plan. The acquisition must be an arm's length transaction, and the bill establishes a minimum size for the acquiring utility.

In considering the petition, the bill directs the PSC, at minimum, to consider all of the following:

- Improvements in quality of service.
- Improvements in compliance with regulatory requirements.
- Rate reductions or rate stability over a long-term period.
- Cost efficiencies.
- Demonstration that the purchase is being made as part of an arm's length transaction.
- Economies of scale to be generated by the transaction.
- Comparison of the acquirer's net book value, to the extent available, and the proposed rate base value of the acquiree.
- Demonstration that the acquirer has greater access to capital than the acquiree.

The PSC may use these standards to set reasonable performance goals and may review performance regarding the standards in a rate proceeding. For future rate cases, the PSC may classify the acquired utility system as a separate entity for ratemaking purposes if it is deemed to be in the public interest.

The bill also directs the PSC to adopt rules to implement s. 367.0811, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 112-2

Committee on Regulated Industries

CS/CS/SB 154 — Condominium and Cooperative Associations

by Fiscal Policy Committee; Regulated Industries Committee; and Senators Bradley and DiCeglie

The bill revises the milestone inspection requirements for condominium and cooperative buildings that are three or more stories in height to:

- Limit the milestone inspection requirements to buildings that include a residential condominium or cooperative;
- Provide that the milestone inspection requirements apply to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings;
- Clarify that all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection;
- Require a building that reaches 30 years of age before December 31, 2024, to have a milestone inspection before December 31, 2024;
- Delete the 25-year milestone inspection requirements for buildings that are within three miles of the coastline;
- Authorize the local enforcement agencies that are responsible with enforcing the milestone inspection requirements the option to set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater;
- Authorize the local enforcement agency to extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the building have entered into a contract with an architect or engineer to perform the milestone inspection and it cannot reasonably be completed before the deadline;
- Permit local enforcement agencies to accept an inspection and report that was completed before July 1, 2022, if the inspection and report substantially comply with the milestone requirements; however, associations must still comply with the unit owner notice requirements, and if a local enforcement agency accepts a previous inspection as a milestone inspection, the deadline for a subsequent 10-year re-inspection is based on the date of a previous inspection;
- Provide that the inspection services may be provided by a team of design professionals with an architect or engineer acting as a registered design professional in responsible charge;
- Provide that the condominium or cooperative association is responsible for all costs associated with the inspection attributable to the portions of the building for which it is responsible under the governing documents of the association;
- Require associations to give unit owners notice about the inspection deadlines, electronically or by posting on the association's website, within 14 days after they receive the initial milestone inspection notice from local enforcement agency;
- Require the milestone inspector to submit a phase two progress report to the local enforcement agency within 180 days of submitting the phase one inspection report; and

- Clarify that an association must distribute a copy of the summary of the inspection reports to unit owners within 45 days of its receipt.

The Florida Building Commission is required by the bill to establish by rule a building safety program to implement the milestone inspection requirements within the Florida Building Code. The commission must specify the minimum requirements for the commission's building safety program by December 31, 2024, including inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority having jurisdiction.

The bill exempts unit owner policies from the requirement that all personal lines residential policies issued by the Citizens Property Insurance Corporation must include flood coverage.

Regarding the governance of condominium or cooperative, the bill

- Clarifies that any unit owner and any person authorized by any owner as his or her representative may inspect the official records of the association; and
- Excludes insurance premiums from the calculation which permit members to petition for a substitute budget if assessments increase by 115 percent.

The reserve funding requirements relating to condominium and cooperative associations are revised by the bill to:

- Require associations that are subject to the structural integrity reserve study (SIRS) requirement to base a budget adopted on or after January 1, 2025, on the findings and recommendations of the association's most recent SIRS;
- Clarify that reserves are required for the SIRS items for which the association is responsible under the condominium declaration;
- Clarify that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the SIRS study may recommend a deferred maintenance expense amount for such item;
- Permit associations that are not subject to the SIRS requirement to waive reserves if approved by a majority vote of the total voting interests of the association;
- Permit multicondominium associations to waive reserves if an alternative funding method has been approved by the division; and
- Provide that reserve assessments may be adjusted for inflation.

The bill amends the SIRS requirements to:

- Limit the SIRS requirement to residential condominiums and cooperatives;
- Clarify that the SIRS recommendation must include a reserve funding schedule;
- Include the building structure as a SIRS building component, consisting of load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706, F.S., and delete "floor" and "foundation" from the list;
- Permit the visual inspection portion of the SIRS to be verified by an engineer or architect;

- Permit persons who have been certified as a reserve specialist, or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts to perform or verify the visual inspection portion of the SIRS;
- Exempt from the SIRS requirement:
  - Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
  - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.
- Permit associations that are required to complete a milestone inspection on or before December 31, 2026, to complete the SIRS simultaneously with the milestone inspection, but the associations must complete the SIRS by December 31, 2026; and
- Permit associations to satisfy the SIRS requirement with a previous milestone inspection, or an inspection performed for a similar local requirement, if the inspection had been performed within the previous five years.

Effective July 1, 2027, the bill permits condominium and cooperative unit owners to use the mediation process in this section for specified disputes related to compliance with the milestone inspection or SIRS requirements.

Regarding the turnover inspection report that a developer must provide to the association when condominium and cooperative unit owners other than the developer are authorized to elect the majority of the board, the bill permits reserve specialists and professional reserve analysts to prepare the turnover report in addition to engineers and architects, and adds the turnover inspection report to the required presale disclosures.

The bill also provides additional presale notice requirements in contracts for sales of a unit by a developer or nondeveloper. A developer and a nondeveloper must give a prospective buyer of a condominium or cooperative unit a copy of a turnover inspection report completed on or after July 1, 2023, if applicable, and a copy of the inspector-prepared summary of the milestone inspection, if applicable. This provision is similar to current contract notices to unit owners obligated to furnish certain governing documents to the prospective buyer of a unit more than three days before closing for sales by a nondeveloper or 15 days before closing for sales by a developer. A contract that does not conform to these notice requirements is voidable at the option of the purchaser prior to closing.

The bill also provides an appropriation ($1,301,928 recurring and $67,193 nonrecurring) to the Division of Florida Condominiums, Timeshare, and Mobile Homes within the Department of Business and Professional Regulation to implement the requirements in the bill, including funds for 10 additional full-time employees.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 118-0

Committee on Regulated Industries

CS/HB 341—911 Public Safety Telecommunicator Certifications

by Health and Human Services Committee and Rep. Amesty and others (CS/SB 980 by Regulated Industries Committee and Senators Brodeur and Stewart)

The bill amends s. 401.465, F.S., to increase the timeframe, from 180 days to six years, within which a 911 public safety telecommunicator (PST) certificateholder may renew an involuntarily inactive PST certificate before said certificate permanently expires. Currently, such a six-year inactive period and renewal window is limited only to PST certificateholders electing to place their certificate in voluntary inactive status and paying a $50 fee to the Department of Health (DOH), prior to the certificate expiring 180 days after the renewal was due. In extending the six-year renewal period to all inactive PST certificates, the bill eliminates all statutory distinctions between involuntarily or voluntarily inactive PST certificates and allows up to six years for any PST certificateholder to renew a PST certificate before the certificate irrevocably expires.

The bill also:

- Prohibits the DOH from requiring the PST certificateholder to pay a fee or make an election before placing a certificate in inactive status.
- Provides that for any fee paid by a PST certificateholder to place their certificate in inactive status in the past six years, the DOH shall apply that fee paid to the cost of renewing the certificateholder's certificate.
- Provides that the bill is remedial in nature and applies retroactively to any PST certificate that has expired pursuant to s. 401.465(2)(f), F.S., during the six-year period before the effective date of the act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 114-0

Committee on Regulated Industries

CS/CS/HB 437 — Property Owners' Right to Install, Display, and Store Items

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Buchanan and others
(CS/SB 1454 by Regulated Industries Committee and Senator Gruters)

The bill expands the types of flags that a homeowner may display as a portable, removable flag display, notwithstanding any covenant, restriction, bylaw, or requirement of a homeowners' association. Under the bill, a homeowner may display up to two of:

- The United States flag;
- The official flag of the State of Florida;
- A flag that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard;
- A POW-MIA flag; or
- A first responder flag that may incorporate the design of any other allowed flag permitted to form a combined flag.

The bill defines the term "first responder flag" to mean a flag that recognizes and honors the service of any of the following:

- Law enforcement officers;
- Firefighters;
- Paramedics or emergency medical technicians;
- Correctional officers;
- 911 public safety telecommunicators;
- Advanced practice registered nurses, licensed practical nurses, or registered nurses;
- Persons participating in a statewide urban search and rescue program developed by the Division of Emergency Management; or
- Federal law enforcement officers.

Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, in addition to the United States flag, a homeowner may display one of the flags identified above on a flagpole.

Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, current law permits members of a homeowners' association to display one portable, removable United States flag or official flag of the State of Florida in a respectful manner. Under current law, homeowners may also display one portable, removable official flag, in a respectful manner, not larger than 4.5 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, or a POW-MIA flag.

In addition, the bill provides that, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from storing or displaying any items

on a parcel which are not visible from the parcel's frontage or an adjacent parcel, including, but not limited to, artificial turf, boats, flags, and recreational vehicles.

The bill also allows unit owners in condominium associations to display one portable and removable flag on Patriot Day (September 11) that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 110-0

Committee on Regulated Industries

CS/CS/HB 639 — Issuance of Special Beverage Licenses

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Rep. Esposito and others (CS/CS/SB 1262 by Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator Martin)

The bill reduces the number of persons a bona fide special food service establishment alcoholic beverage licensee must be equipped to serve meals at one time from 150 persons to 120 persons. It also decreases the minimum square feet of service area required for a special food service establishment alcoholic beverage license from 2,500 square feet of service area to 2,000 square feet of service area. The bill also requires that the establishments hold themselves out as restaurants and have at least 120 physical seats that are available for patrons to use during operating hours.

A special food service establishment alcoholic beverage license, known as an SFS license, is an exception to the limit on the number of alcoholic beverage licenses for the sale of distilled spirits permitted per county (quota licenses). Under current law, a special food service establishment must have at least 2,500 square feet of service area, be equipped to serve 150 persons at one time, and derive at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages, during the first 60-day operating period and each 12-month operating period thereafter.

The bill also revises the alcoholic beverage license requirements for a bona fide beach or cabana club to include bathroom facilities among the list of facilities that a beach or cabana club must have to qualify for a special club license. Current law requires such businesses to have beach facilities, and locker rooms for at least 100 persons. The bill repeals the requirements that a beach or cabana club must have a restaurant with seats at tables for at least 100 persons. Instead it requires that the beach or cabana club include a public food service establishment as defined in s. 509.013(5), F.S. The bill maintains the requirement in current law that a beach or cabana club must have an area of at least 5,000 square feet located on a contiguous tract of land in excess of one acre.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 107-0

Committee on Regulated Industries

HB 719 — Practice of Veterinary Medicine

by Rep. Killebrew and others (SB 722 by Senator Burton)

The bill exempts a veterinarian who has an active license in good standing in another United States jurisdiction to perform, as an unpaid volunteer (exempted unpaid volunteer), dog and cat sterilization services, and routine preventative health services at the time of such sterilization services.

The exempted unpaid volunteer must be under the responsible supervision of a Florida-licensed veterinarian, which requires control, direction, and regulation by a licensed veterinarian of the veterinary services delegated to unlicensed personnel. The supervising licensed veterinarian is responsible for all acts performed by an exempted unpaid volunteer acting under such supervision.

An exempted unpaid volunteer, if not otherwise licensed as a veterinarian in Florida, is not eligible to apply for a premises permit for a permanent or mobile establishment in which veterinary services may be provided.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 106-0

Committee on Regulated Industries

CS/CS/SB 752 — Temporary Commercial Kitchens

by Commerce and Tourism Committee; Regulated Industries Committee; and Senator Calatayud

The bill regulates temporary commercial kitchens in the same manner as mobile food delivery vehicles (MFDVs or food trucks). The bill defines the term "temporary commercial kitchen" to mean "any kitchen that is a public food service establishment, used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal." The term does not include a tent.

Temporary kitchens are typically used when fixed kitchens are unavailable, e.g., when damaged by a fire, or during remodeling, when extra kitchen space is needed, and for catering at events. Temporary kitchens may also be used after a natural disaster, such as a hurricane. Temporary kitchens are contained in a variety of modular structures, such as portable cabin structures, modular buildings, towed trailers, or standard freight containers.

The bill:

- Requires operators of public food service establishments who provide commissary services to temporary commercial kitchens to maintain a registry to verify that each temporary commercial kitchen that receives such services is properly licensed;
- Requires operators of temporary commercial kitchens to properly display their public food service establishment license number to assist the public food service establishment to verify the licensure of the temporary commercial kitchens;
- Preempts regulation of licenses, registrations, permits, and fees for temporary commercial kitchens to the state; and
- Authorizes MFDVs and temporary commercial kitchens that are operated on the same premises of a separately licensed public food service establishment to operate during the same hours of operation as the separately licensed public food service establishment.

Under the bill, a licensed permanent food service establishment may operate a temporary commercial kitchen:

- On site for the purpose of supplementing the kitchen operations for 60 consecutive days, with one potential 60 day extension; and
- On site or nearby during a period of renovation, repair, or rebuilding, for 120 days, with possible extension.

The bill also allows a licensed permanent food service establishment to operate a temporary commercial kitchen on site or reasonably nearby if the establishment or land is rendered uninhabitable due to natural disaster, with notification to DBPR every 90 days.

Except as authorized by the bill, temporary commercial kitchens may not operate in one location for longer than 30 consecutive days.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Regulated Industries

CS/CS/SB 770 — Residential Loan Alternative Agreements

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

The bill regulates residential loan alternative agreements for the disposition of residential real property. Under the bill, a "residential loan alternative agreement" means a signed writing between a person and a seller or owner of residential real property which grants an exclusive right to a person to act as a broker; has an effective duration, inclusive of renewals, of more than two years; and requires the person to pay monetary compensation to the seller or owner.

The bill defines "disposition" to mean a transfer or voluntary conveyance of the title or other ownership interest in residential real property. "Residential property" is defined as improved residential property of four or fewer residential dwelling units or unimproved property on which four or fewer units may be built.

The bill prohibits a residential loan alternative agreement from authorizing a person to place a lien or otherwise encumber any residential real property. Nor can a residential loan alternative agreement constitute a lien, an encumbrance, or a security interest in the residential real property.

Under the bill, a court may not enforce a residential loan alternative agreement by a lien or constructive trust in the residential real property or upon the proceeds of the disposition of the residential real property.

The bill provides that a residential loan alternative agreement may not be assigned and becomes void if the listing services do not begin within 90 days after the execution of the agreement by both parties. The bill provides that, as a matter of public policy, a residential loan alternative agreement that does not meet these requirements is unenforceable in law or equity and may not be recorded by the clerk of the circuit court.

Additionally, the bill provides that a violation of the requirements in the bill is an unfair or deceptive trade practice within the meaning of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), and the violator is subject to the penalties and remedies provided by FDUTPA, which include a civil penalty of no more than $10,000 for willful violations and reasonable attorney's fees and costs for the enforcing authority if civil penalties are assessed in any litigation.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Regulated Industries

CS/CS/HB 869 — Department of Business and Professional Regulation

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; and Rep. McClain (CS/CS/SB 782 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Hooper)

The bill revises licensing and regulatory requirements for businesses and professions administered by the Department of Business and Professional Regulation (DBPR), including mold-related professionals, asbestos abatement professionals, electrical and alarm system contractors, certain public lodging establishments, and certain public food service establishments.

Relating to mold-related professional licensing regulations, the bill authorizes a method for persons who have held a license in another state or territory for at least 10 years to obtain a Florida license.

Relating to asbestos professional licensing regulations, the bill:

- Authorizes a method for asbestos consultants who have held a license in another state for at least 10 years and meet examination and education requirements to obtain a Florida license; and
- Removes limits of bondability and credit as required criteria for determining the financial stability of an applicant for licensure.

Relating to electrical and alarm system contractors licensing, the bill removes an existing deadline for registered electrical and alarm systems contractors to seek authorization to engage in their trades throughout the state at any time.

Relating to the licensing, inspection, and regulation of public lodging establishments and public food service establishments by the Division of Hotels and Restaurants (DHR) in the DBPR which are not otherwise exempt, the bill:

- Requires licensees to establish and accurately maintain an online account with the DHR and provide an email address to the DHR as a primary contact method; the DHR must implement the online account requirements and provide a method to opt-out of online accounts, by rule.
- Requires licensees and licensed agents managing a license classified as a vacation rental or timeshare project to timely submit address changes and changes in the number of houses or units covered by the license within 30 days of the change;
- Allows the DHR to serve inspection reports and other notices to operators of such establishments by email, in-person delivery, or mail; and
- Allows a transient public lodging establishment guest register to be kept in an electronic format and removes the requirement for guests to sign the register.

Relating to boxing matches held solely for training purposes, the bill removes a restriction on the maximum difference in weight of participants, eliminating the 12 pound weight differential for such matches in current law.

Relating to the Florida Building Code (building code), the bill authorizes the Florida Building Commission to delay the energy provisions of the building code for an additional three months, if energy code compliance software is not approved at least three months before the updated building code's effective date.

Regarding package stores licensed to sell beer, wine, and distilled spirits (liquor) for consumption off the premises which may only sell certain types of products including tobacco products, the bill authorizes such licensees to sell nicotine products such as electronic cigarettes.

Relating to timeshare plans, the bill:

- Eliminates certain requirements for the offering of incidental benefits in the sale of a timeshare plan, including repealing the 15 percent of the purchase price limitation on the aggregate represented value of all incidental benefits offered by the developer, the requirement that an acknowledgement and disclosure statement indicate the source of the services, points, or other products that constitute the incidental benefit, and the requirement that the developer promptly notify the Division of Florida Condominiums, Timeshares, and Mobile Homes of the DBPR upon learning of the unavailability of any incidental benefit;
- Extends from one year to five years the period to void a contract when a closing unlawfully occurred before the cancellation period's expiration, and retains the one-year right for a purchaser to void a contract if he or she knowingly or unknowingly waived the right to cancel the contract within the 10-day cancellation period;
- Revises public offering statement requirements to allow the developer's description of each component site for a multisite timeshare plan to be provided to the purchaser electronically, and to provide that a developer is not required to file a separate public offering statement for any component site located within or outside Florida, in order to include the component site in the multistate timeshare plan.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-1; House 106-0

Committee on Regulated Industries

CS/CS/HB 919 — Homeowners' Associations

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Reps. Porras, Fernandez-Barquin, and others (CS/CS/SB 1114 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Rodriguez)

The bill may be cited as "Homeowners' Association Bill of Rights." It revises the requirements for the governance and regulation of homeowners' associations to:

- Require all notices for homeowners' association board meetings to specifically identify the agenda items for the meetings;
- Revise the requirements for the association's use of a member's e-mail to send notices, including allowing a member to designate an address different than the property address for all required notices;
- Require that, if a homeowners' association collects a deposit from a member for any reason, including to pay for expenses that may be incurred as a result of construction on a member's parcel or other reason for such deposit, such funds must not be comingled with any other association funds, the member may request an accounting of such funds, and the association must remit payment of unused funds within 30 days after completion;
- Provide that an officer, director, or manager who accepts kickbacks is subject to monetary damages under s. 617.0834, F.S., relating to the conditions imposing civil liability on the officers and directors of corporations and associations not for profit;
- Provide that an officer or director must be removed from office, and their access to official records denied, if charged with the crimes of forgery of a ballot envelope or voting certificate used in a homeowners' association election, theft or embezzlement of association funds, destruction of or refusing to allow inspection of association records, if such records are accessible by association members, in furtherance of any crime; or obstruction of justice;
- Require directors and officers of an association, including a developer-controlled association, to disclose specified activities which may pose a conflict of interest;
- Clarify that a developer's appointment of an officer or director does not create a presumption that the officer or director has a conflict of interest with regard to the performance of his or her official duties;
- Revise the notice requirements for imposing and collecting fines, including providing members notice of how to cure a violation, if applicable; and
- Provide criminal prohibitions related to fraudulent voting activities that are punishable as first degree misdemeanors, including preventing members from voting, and menacing, threatening, or using bribery to directly or indirectly influence or deter a member from voting.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Regulated Industries

HB 1091 — Licensing Fee Relief

by Rep. Alvarez and others (SB 7046 by Regulated Industries Committee)

The bill requires the Department of Business and Professional Regulation (DBPR) to waive certain license application and license fees until July 1, 2025. Under the bill, the following fees must be waived during Fiscal Year 2023-2024 and Fiscal Year 2024-2025:

- 50 percent of the initial licensing fee for an applicant applying for an initial license for a profession, up to $200 per year per license.
- 50 percent of a licensee's license renewal fee, up to $200 per year per license.

The bill provides that waived fees may not include any applicable unlicensed activity fees or background check fees.

The above provisions expire July 1, 2025.

The bill appropriates $50 million in nonrecurring funds from the General Revenue Fund to the DBPR's Professional Regulation Trust Fund for the 2023-2024 fiscal year. Any unexpected balance of funds from this appropriation remaining on June 30, 2024, must revert and is appropriated to the DBPR for the 2024-2025 fiscal year for the same purpose.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Regulated Industries

CS/HB 1221 — Broadband Internet Service Providers

by State Administration and Technology Appropriations Subcommittee and Rep. Tomkow
(CS/SB 626 by Regulated Industries Committee and Sen. DiCeglie)

The bill amends s. 425.04, F.S., regarding the powers of rural electric cooperatives, to specify that such cooperatives have the power to engage in the provision of broadband service. The bill also creates s. 364.391, F.S., which requires that if a cooperative engages in the provision of broadband:

- All poles owned by that cooperative are subject to pole attachment regulation by the Public Service Commission (PSC) under s. 366.04(8), F.S., as if the cooperative was a public utility; and
- The PSC may access the books and records of the cooperative for the limited purpose of exercising the PSC's pole regulatory authority. Such records would be subject to the same confidentiality protection procedures as other records utilized in PSC proceedings.

Under the provisions of the bill, "engaging in the provision of broadband" means providing broadband internet service directly, through an affiliate, or pursuant to an agreement with a third party; or receiving specified types of state or federal broadband grant funding.

The bill also provides that the rural electric cooperative pole attachment regulatory authority established pursuant to the bill may not be construed to impair the contract rights of a party to a valid rural electric cooperative pole attachment agreement in existence before July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 105-0

Committee on Regulated Industries

CS/CS/HB 1383 — Specialty Contractors

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; and Reps. Trabulsy and Mooney (CS/CS/SB 1570 by Rules Committee; Regulated Industries Committee; and Senators Hooper and Osgood)

The bill amends s. 163.211, F.S., relating to the preemption of occupational licensing to the state, to extend by one year, to July 1, 2024, the date that local governments may require and issue local occupation licenses, but only if such licensing was imposed by the local government before January 1, 2021.

The bill requires the Construction Industry Licensing Board in the Department of Business and Professional Regulation to establish by rule, certified specialty contractor categories for voluntary licensing by July 1, 2024, as specified in the bill.

Under the bill, for specified job scopes exempted from local licensing in current law, local governments are prohibited from requiring state or local licenses for work that is covered by state licensing, and from requiring a permit for such work.

As to job scopes exempted from local occupational licensing in current law, the bill adds the job scope of "pressure washing."

The bill authorizes a county that includes an area of critical state concern pursuant to s. 380.05, F.S., to offer a license for any job scope that requires a construction contracting license, if the county imposed such a licensing requirement before January 1, 2021.

A local government may continue to offer certain licenses, if such licensing was required before January 1, 2021.

A local government may not require a license as a prerequisite to submit a bid for a public works project, if the work does not require a license under general law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 109-0

Committee on Regulated Industries

CS/CS/CS/SB 1418 — Emergency Communications

by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Sen. Bradley

The bill (Chapter 2023-55, L.O.F.) amends Florida law to support and 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]). Under the bill, the EC Board is 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 is 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 revises the distribution of revenue collected from a monthly fee to fund 911 services assessed on voice communications services in the state, removes county exceptions to the state's uniform rate for this fee, and revises the expenditures that are eligible to be paid by revenue collected from this fee. The EC Board must ensure that county recipients of funds only use such funds for the purposes for which they have been provided. If the EC Board determines the funds were not used for the purposes for which they were provided, the EC Board may 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 requires the 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.

These provisions were approved by the Governor and take effect July 1, 2023, unless otherwise provided.
Vote: Senate 37-0; House 116-0

Committee on Regulated Industries

HB 1459 — Registration Fees for Malt Beverage Brands and Labels

by Rep. Yeager and others (SB 658 by Senator Burgess)

The bill limits the application of the annual malt beverage brand and label registration fee of $30 to brands and labels for malt beverages sold to a distributor. Under the bill, the malt beverage manufactures would not be required to register a brand or label for a malt beverage and pay the $30 registration fee if the malt beverage is not sold to a distributor and is sold directly to the consumer at the manufacturer's licensed premises.

Current law requires manufacturers, brewers, bottlers, distributors, and importers of malt beverages, whether licensed under Florida's laws or not, to register their name and the brands and labels of their malt beverages with the Division of Alcoholic Beverages and Tobacco, within the Department of Business and Professional Regulation before the malt beverages may be sold or offered for sale in Florida, or move or cause to be moved within or into Florida.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-1; House 116-0

Committee on Regulated Industries

SB 7044 — Changes in Ownership or Interest in Pari-mutuel Permits

by Regulated Industries Committee

The bill revises provisions relating to pari-mutuel wagering permits, cardroom licenses, and annual operating licenses to address an inadvertent oversight respecting the sale, transfer, or assignment of permits and issuance of cardroom licenses.

The bill revises s. 550.054(15), F.S., relating to permits for the conduct of pari-mutuel wagering, to clarify that a pari-mutuel permit may be held by a permitholder who held an operating license to conduct pari-mutuel wagering in Fiscal Year 2020-2021 or a purchaser, transferee, or assignee of a valid pari-mutuel permit, if the purchase, transfer, or assignment is approved by the Florida Gaming Control Commission before such purchase, transfer, or assignment. However, current law prohibiting the commission from approving or issuing any additional pari-mutuel wagering permits remains in effect.

Similarly, the bill revises s. 849.086(5), F.S., relating to cardrooms authorized to operate in the state, to clarify that a purchaser, transferee, or assignee of a valid pari-mutuel wagering permit may be issued a license to operate an authorized cardroom.

The bill conforms the annual operating license requirements in current law to the pari-mutuel wagering permit provisions that are revised in the bill, to authorize the issuance of an annual operating license to an eligible purchaser, transferee, or assignee of a valid pari-mutuel wagering permit.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 109-5