Committee on Regulated Industries

HB 59 — Provision of Homeowners' Association Rules and Covenants

by Rep. Arrington and others (SB 50 by Senator Stewart)

The bill requires homeowners' associations to provide, before October 1, 2024, a physical or digital copy of the association's rules and covenants to every member of the association, including new members.

In addition, homeowners' associations must give every member an updated copy of the rule or covenants if the rules or covenants are amended. Under the bill, associations may adopt rules establishing standards for the manner of distribution and timeframe for providing copies of updated rules or covenants.

The bill permits associations to meet the requirement in the bill by posting a complete copy of the association's rules and covenants, or a direct link thereto, on the homepage of the association's website, if the website is accessible to the members of the association and the association sends notice to each member of the association of its intent to utilize the website for this purpose. The notice of the association's intent to use a website to comply with the requirements of the bill may be delivered electronically or by mail.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 31-0; House 115-0

Committee on Regulated Industries

SB 92 — Yacht and Ship Brokers' Act

by Senator Hooper

The bill revises the regulation of yacht and ship brokers and salespersons by the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation.

The definition for the term "yacht" is revised by the bill to require the vessel to be manufactured or operated primarily for pleasure or leased, rented, or chartered to someone other than the owner for the other person's pleasure. The bill retains current law that a yacht is a vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, but deletes the requirement for the vessel to weigh less than 300 gross tons.

The bill provides a license (for a broker or salesperson) is not required for a person who conducts business as a broker or salesperson in another state as his or her primary profession and engages in the purchase of a yacht under ch. 326, F.S., if the transaction is executed in its entirety with a broker or salesperson licensed in Florida.

The bill revises the requirements for licensure as a broker by:

- Providing the division must, rather than may, deny a license application under the current provisions;
- Deleting the requirement that an applicant for a broker license must have been licensed as a salesperson for two consecutive years; and
- Requiring that the applicant has been licensed as a salesperson and can either:
  - Demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht; or
  - Certify that he or she has obtained 20 education credits approved by the division.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 38-0; House 113-0

Committee on Regulated Industries

CS/HB 133 — Criminal History of Licensees and Employees

by Commerce Committee and Reps. Chambliss, Plakon, and others (SB 42 by Senator Stewart)

The bill prohibits the Barber's Board and the Board of Cosmetology within the Department of Business and Professional Regulation (DBPR) from denying an application for a barber or cosmetology license, respectively, from a person with a criminal conviction, or any other adjudication, for a crime more than three years before the date the application is received by a board. The prohibition does not apply if the applicant was convicted of a crime at any time during the three-year period immediately preceding the application. The bill does not affect the ability of these boards under current law to deny an application based on a sexual predator offense pursuant to s. 775.21, F.S., or a forcible felony pursuant to s. 776.08, F.S.

The bill does not affect the prohibition against the DBPR considering a criminal conviction, or any other adjudication, for crimes more than 5 years before the date the application was received as grounds for denial of a license in a construction profession under ch. 489, F.S., and for any other profession for which the DBPR issues a license, provided the profession is offered to inmates in any correctional institution or facility.

The bill requires the DBPR's regulatory boards to approve education program credits offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program for the purpose of satisfying applicable training requirements for licensure as a barber or cosmetologist.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 31-0; House 114-0

Committee on Regulated Industries

CS/SB 280 — Vacation Rentals

by Fiscal Policy Committee and Senators DiCeglie and Mayfield

The bill revises the regulation of vacation rentals by the state and by local governments. A vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. Vacation rentals are licensed by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR).

Exemptions

Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or to regulate the duration or frequency of the rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill permits "grandfathered" local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. Additionally, a local government that had such a "grandfathered" regulation in effect on June 1, 2011, is authorized by the bill to adopt a new, less restrictive ordinance. The bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern.

The bill also "grandfathers" any county law, ordinance, or regulation initially adopted on or before January 1, 2016, that established county registration requirements for rental of vacation rentals, and any amendments thereto adopted before January 1, 2024. However, such county law, ordinance, or regulation may not be amended or altered except to be less restrictive or to adopt registration requirements as provided in the bill.

Preemptions

The bill preempts the licensing of vacation rentals and regulation of advertising platforms to the state. An advertising platform is a person, which may be an individual or a corporation, who electronically advertises a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

Local Registration Programs

A local government may require vacation rentals to be registered and charge a reasonable fee for registration and for specified inspections of a vacation rental.

Before implementing a vacation rental registration program, local governments must prepare a business impact estimate in accordance that includes identifying any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially

responsible, and an estimate of the local regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The bill establishes the registration requirements, including requiring applicants to:

- Submit identifying information about the owner and operator of the vacation rental;
- Provide proof of a division-issued vacation rental license;
- Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing basis;
- Pay in full all recorded municipal or county code liens;
- Designate and maintain a responsible person to respond to complaints and emergencies by telephone at a provided telephone number 24 hours a day, 7 days a week; and
- State the maximum occupancy for the vacation rental which does not exceed either two persons per bedroom, plus an additional two persons in one common area; or more than two persons per bedroom if there is at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater.

The bill permits a local government to:

- Impose a $500 fine on a vacation rental operator for violations of the local registration requirements, and to file and foreclose on a lien based on the fine if the property is not subject to homestead protections against foreclosure.
- Suspend a registration for violations that occur on and are related to the vacation rental property, including suspensions of up to:
  - 30 days based on one or more violations on five separate days during a 60-day period;
  - 60 days based on one or more violations on five separate days during a 30-day period; or
  - 90 days based on one or more violations after two prior suspensions.

A local government may not suspend a vacation rental for a violation not directly related to the vacation rental premises and must give the operator an opportunity to cure registration violations that are not related to maximum occupancy rate.

A local government must provide notice of the suspension and must state the start date of the suspension, which must be at least 21 days after the notice is sent. A vacation rental operator may appeal a denial, suspension, or revocation to the circuit court which may award attorney fees, costs, and damages to the prevailing party. After January 1, 2026, a local government must use the information system established in the bill to notify the division that the vacation rental's local registration has been suspended.

The bill authorizes a local government to revoke or refuse to renew a registration in certain situations including if the registration has been suspended three times or if there is an unsatisfied recorded municipal or county lien.

The bill does not supersede any current or former governing document for a condominium, cooperative, or homeowners' association.

State Regulation of Vacation Rentals

The bill authorizes the division to revoke, refuse to issue or renew, or suspend a vacation rental license for not more than 30 days or the same length of a local suspension if:

- The vacation rental violates a condominium, cooperative, or homeowners' association lease or property restriction as determined by a final order or judgment;
- The local registration is suspended or revoked; or
- The premises or its owner is the subject of an order or judgment directing the termination of the premises' use as a vacation rental.

If the division suspends a license on the basis of a local suspension of a vacation rental registration, the suspension must run concurrently.

Vacation Rental Information System

To facilitate compliance with the requirements in the bill by vacation rental licensees and advertising platforms, the bill requires the division to create and maintain a vacation rental information system. The system must:

- Facilitate prompt compliance with ch. 509, F.S., relating, in relevant part, to public lodging establishments, by a licensee or an advertising platform;
- Allow advertising platforms to search by and verify the status of a unique vacation rental license number, applicable local registration number;
- Allow a local government to notify the division of a revocation or failure to renew, or the period of suspension of a local registration; and
- Allow registered users to subscribe to receive automated notification of changes to a vacation rental license or registration.

State Regulation of Advertising Platforms

The bill requires an advertising platform to display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number of each property that advertises on its platform. Effective July 1, 2026, an advertising platform must:

- Remove any advertisement or listing vacation rental license number with a unique identifier and, if applicable, the local registration number within 15 business days after notification that the license, or if applicable, a local registration:
  - Has been suspended, revoked, or not renewed; or
  - Fails to display a valid vacation rental license number or, if applicable, a local registration number.
- Quarterly provide a list of all vacation rentals which are advertised on its platform within Florida, including the uniform resource locator for the Internet address of the vacation

rental advertisement, and the vacation rental license number, and, if applicable, the local registration number.

The division may fine an advertising platform an amount not to exceed $1,000 per offense for a violation of the provisions in the bill or rules of the division.

Tax Collection

The bill requires advertising platforms and vacation rental operators listing a vacation rental on an advertising platform to collect and remit any taxes imposed under chs. 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform. The bill allows platforms to exclude service fees from the taxable amount if the platforms do not own, operate, or manage the vacation rental. It allows the division to take enforcement action for noncompliance.

Appropriation

For Fiscal Year 2024-2025, the bill appropriates $327,170 in recurring funds and $53,645 in nonrecurring funds from the Hotel and Restaurant Trust Fund, $645,202 in recurring funds from the Administrative Trust Fund, and $3,295,884 in nonrecurring funds from the General Revenue Fund to the DBPR, and nine full-time equivalent positions for the purposes of implementing the provision of the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024, except where otherwise provided.
Vote: Senate 23-16; House 60-51

Committee on Regulated Industries

CS/HB 293 — Hurricane Protections for Homeowners' Associations

by Regulatory Reform & Economic Development Subcommittee and Reps. Sirois, Daniels, and others (CS/SB 600 by Regulated Industries Committee and Senator Ingoglia)

The bill requires homeowners' associations, or any architectural, construction improvement, or similar committee (committee) to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the homeowners' association.

The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board. All specifications adopted by the homeowners' association must comply with the applicable building code. The bill allows the homeowners' association or committee to require parcel owners to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.

The bill provides that, regardless of any other provision in association governing documents, the homeowners' associations and committees may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the homeowners' association or committee.

The term "hurricane protection" is defined by the bill to include, but not be limited to, roof systems recognized by the Florida Building Code that meet ASCE 7-22 standards, which are standards adopted by the American Society of Civil Engineers, permanent fixed storm shutters, roll-down track storm shutters, impact-resistant windows and doors, polycarbonate panels, reinforced garage doors, erosion controls, exterior fixed generators, fuel storage tanks and other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the association.

The bill provides a statement of legislative intent providing that, in order to protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protection installed by parcel owners, the bill applies to all homeowners' associations in the state, regardless of when the community was created.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 32-0; House 108-0

Committee on Regulated Industries

SB 364 — Public Service Commission Rules

by Senator Collins

The bill amends s. 120.80, F.S., to specify certain rules that may be adopted by the Florida Public Service Commission (PSC) without being subject to potential rule ratification under s. 120.541(3), F.S. Specifically, rules regarding the Florida Public Service Regulatory Trust Fund, the regulatory assessment fees (RAFs) charged to utilities in Florida, and application fees for water and wastewater utilities are added to the section. The bill also deletes a temporary provision, limited to Fiscal Year 2023-2024, which allowed such rules to be exempt from all provisions of s. 120.80, F.S., which includes requirements to provide statements of estimated regulatory costs. Under the bill, for those sections regarding RAFs, the PSC must still follow the statement of estimated regulatory costs preparation requirements provided in ss. 120.541(1), (2), and (5), F.S.

These provisions will expire on July 1, 2028.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 38-0; House 111-0

Committee on Regulated Industries

CS/SB 366 — Civil Penalties Under the Gas Safety Law of 1967

by Appropriations Committee on Agriculture, Environment, and General Government and Senator Yarborough

The bill revises the maximum penalties for violations of Florida's Gas Safety Law (ch. 368, part I, F.S.), or rules adopted pursuant to that law, to be $266,015 (increased from $25,000) for each violation for each day the violation persists, not to exceed $2,660,135 in aggregate (up from $500,000) for any related series of violations until June 30, 2025. This would mirror the maximum fines currently provided under federal law for pipeline safety violations under 49 C.F.R. s. 190.223, as updated pursuant to 88 Fed. Reg. 89,560 on December 28, 2023.

On or after July 1, 2025, the Florida Public Service Commission (PSC) must, by rule, annually consider and revise the penalties established based on the Consumer Price Index, penalties established in federal law for pipeline safety violations, and the intent of the Legislature for the PSC to maintain its pipeline safety violation enforcement certification with the federal Pipeline and Hazardous Materials Safety Administration.

In addition, the bill provides the PSC with rulemaking authority to implement the above provisions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 36-0; House 113-0

Committee on Regulated Industries

CS/CS/CS/SB 382 — Continuing Education Requirements

by Rules Committee; Governmental Oversight and Accountability Committee; Regulated Industries Committee; and Senator Hooper

The bill requires, rather than authorizes, a board, or the Department of Business and Professional Regulation (department) when there is no board, to allow by rule that distance learning may be used to satisfy continuing education requirements for most professions regulated by the department, and revises the requirements that such continuing education must satisfy.

Under the bill, a board, or the department when there is no board, is required to exempt certain individuals from completing their continuing education requirements for renewal of a license, if:

- The individual holds an active license issued by the board or department to practice the profession;
- The individual has continuously held the license for at least 10 years; and
- No disciplinary action is imposed on the individual's license.

The exemption created by the bill does not apply to the following professions:

- Engineers regulated pursuant to ch. 471, F.S.;
- Certified public accountants regulated pursuant to ch. 473, F.S.;
- Brokers, broker associates, and sales associates regulated pursuant to ch. 475, part I, F.S.;
- Appraisers regulated pursuant to ch. 475, part II, F.S.;
- Architects, interior designers, or landscape architects regulated pursuant to ch. 481, F.S.; or
- Contractors regulated pursuant to ch. 489, F.S.

The bill authorizes the department and each affected board to adopt rules pursuant to the Florida Administrative Procedure Act to implement the bill. The department is authorized to adopt emergency rules to implement the changes made by the bill, including the establishment of procedures to facilitate the continuing education exemption for eligible individuals. Such emergency rules are effective for six months after adoption and may be renewed while permanent rules addressing the subject of the emergency rules are being adopted. The emergency rulemaking authority granted by the bill expires January 1, 2026.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 112-0

Committee on Regulated Industries

CS/HB 429 — Real Property

by Commerce Committee and Rep. Robinson, W. (CS/CS/SB 756 by Rules Committee; Judiciary Committee; and Senator Perry)

The bill authorizes the board of administration for a condominium or cooperative association operating a timeshare plan to delete facilities of the timeshare plan without the approval of the members of the association if the deletion is approved by a two-thirds vote of the board of administration and the deletion is consistent with the fiduciary duties of the managing entity to the purchasers of the timeshare plan set forth in s. 721.13(2), F.S. However, the bill maintains the requirement in current law that, if the timeshare condominium or timeshare cooperative contains any residential units that are not subject to the timeshare plan, the board of administration for the condominium or cooperative must obtain the approval of a majority of the owners of such residential units before it can make any material alterations or substantial additions to the accommodations or facilities of such timeshare condominium or timeshare cooperative.

The bill provides that the managing entity of a timeshare project has all of the rights and remedies of an operator of any public lodging establishment or public food service establishment as set forth in several provisions in ch. 509, F.S., which authorizes the operator of a public lodging establishment or public food service establishment to remove a person from these establishments. The operator may also have a law enforcement officer remove a person if the person engages in certain activities, including the possession and use of controlled substances and engaging in disorderly conduct.

The bill requires the managing entity of a timeshare condominium or timeshare cooperative to provide the assessment certificate required under s. 721.15(7), F.S., in lieu of the estoppel certificate required by s. 718.116(8), F.S., or s. 719.108(6), F.S., relating to condominium and cooperative associations, respectively. The assessment certificate states the amount of moneys owed or due within 90 days to the managing entity on a consumer resale of a timeshare interest.

The bill also changes the appointing authority for appointment of a commissioner of deeds from the Governor to the Secretary of State. A commissioner of deeds is a person appointed to act in a foreign state or country to acknowledge that a person executing a real property instrument is the person named in the instrument. A real property instrument must be acknowledged as a condition of recording.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 37-0; House 118-0

Committee on Regulated Industries

CS/SB 478 — Designation of Eligible Telecommunications Carriers

by Regulated Industries Committee and Senator Rodriguez

The bill amends s. 364.10, F.S., to expand the entities that the Florida Public Service Commission (PSC) may designate as Eligible Telecommunication Carriers (ETCs) for the limited purpose of providing federal Lifeline program service to include:

- Telecommunications companies; and
- Commercial mobile radio service providers (i.e., mobile phone service providers).

This change maintains the PSC's current ability to grant Lifeline program ETC status to telecommunications companies currently under its jurisdiction, pursuant to 47 U.S.C. 214(e). The bill grants authority to the PSC to grant ETC status, for the sole purpose of providing Lifeline service, to commercial mobile radio service providers, pursuant to 47 U.S.C. 214(e). These providers are currently exempt from the PSC's jurisdiction and will continue to hold that exemption except for determination as an ETC for participation in the Lifeline service.

Mobile phone service providers that wish to participate in the Connect America (i.e., High-Cost Support) program will still need to petition the Federal Communications Commission (FCC) for ETC designation for that program. Additionally, providers that use other technologies that are exempt from the PSC's jurisdiction, such as satellite or Voice over Internet Protocol, would continue to require ETC designation from the FCC to participate in the Lifeline or Connect America programs.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 113-0

Committee on Regulated Industries

CS/HB 535 — Low-voltage Alarm System Projects

by Local Administration, Federal Affairs & Special Districts Subcommittee and Rep. Snyder (CS/SB 496 by Community Affairs Committee and Senator Perry)

The bill specifies that a nonelectric fence or wall must completely enclose the outside perimeter of a low-voltage electric fence, and that a low-voltage electric fence must be two feet higher than a nonelectric fence or wall.

Under the bill, a low-voltage electric fence may be installed in any area except those areas that are zoned exclusively for single-family or multifamily residential use. The bill provides that an area is not considered to be zoned exclusively for single-family or multifamily residential use if the area is within more than one zoning category.

The bill prohibits a municipality, county, district, or other entity of local government from adopting or maintaining an ordinance or rule that provides additional requirements beyond those set forth in the bill for the installation or maintenance of a low-voltage alarm system project, or that is otherwise inconsistent with s. 553.793, F.S., for streamlined low-voltage alarm system installation permitting.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 119-0

Committee on Regulated Industries

CS/HB 583 — Individual Wine Containers

by Regulatory Reform & Economic Development Subcommittee and Rep. LaMarca and others (CS/SB 1134 Regulated Industries Committee and Senators Trumbull and Bradley)

The bill provides additional exceptions to the limitation on the size of individual wine containers that may be sold in Florida. The bill allows the sale of glass containers holding 4.5 liters, 6 liters, 9 liters, 12 liters, or 15 liters of wine. Under current law, a wine container sold in Florida may not hold more than one gallon, unless the container is reusable and holds 5.16 gallons. One gallon is equal to approximately 3.78 liters.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 38-1; House 118-0

Committee on Regulated Industries

CS/CS/CS/HB 613 — Mobile Home Park Lot Tenancies

by Commerce Committee; State Administration & Technology Appropriations Subcommittee; Regulatory Reform & Economic Development Subcommittee; and Rep. Stark and others (CS/CS/SB 1140 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Burton)

The bill allows mobile home park owners and homeowners in a dispute related to lot rental increases to select a mediator and initiate mediation proceedings before submitting a petition for mediation with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation. A petition for mediation by the homeowners must include the petition, lot identification, increases or rules being challenged, and the verification of the homeowners' committee. The selected mediator must be a qualified mediator selected from the list of circuit court mediators in each judicial circuit or the list maintained by the Florida Growth Management Conflict Resolution Consortium. Under current law, it is not clear that homeowners and the park owner may agree on a mediator before submitting a petition for mediation with the division, as provided in the bill.

Under the bill, a civil action may not be initiated unless the dispute has been submitted to mediation pursuant to s. 723.037(5), F.S., which provides the process for mediating certain mobile home park disputes, including a dispute related to a rent increase. Current law permits a civil action after mediation of a dispute has failed to resolve a dispute, but does not explicitly bar the initiation of a civil action if the dispute is not submitted for mediation pursuant to s. 723.037(5), F.S. The bill allows homeowners, after the majority of the affected homeowners have agreed in writing to file an action, to file an action in circuit court if the responding party park owner refuses or fails to participate in mediation. Current law provides that either party may file an action in circuit court if the mediation failed to provide a resolution to the dispute.

The bill provides that a mobile homeowner's live-in health care aide or assistant be allowed to enter or leave the homeowner's site without that person being required to pay additional rent, a fee, or any charge whatsoever. However, the mobile homeowner must provide the information required to have the background check and pay the cost of a background check for the live-in health care aide or assistant if one is necessary. The bill provides that a live-in health care aide or assistant does not have any rights of tenancy in the park. The bill requires the mobile homeowner to notify the park owner or park manager of the name of the live-in health care aide or assistant. The mobile homeowner is also responsible for any removal of the live-in health care aide and any costs associated with the removal of a live-in health care aide or assistant, if necessary.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 33-0; House 111-0

Committee on Regulated Industries

CS/SB 676 — Food Delivery Platforms

by Regulated Industries Committee and Senator Bradley

The bill expressly preempts the regulation of food delivery platforms to the state. The bill defines the term "food delivery platform" to mean a business that acts as a third-party intermediary for the consumer by taking and arranging for the delivery or pickup of orders from multiple food service establishments. The term "food delivery platform" does not include:

- Delivery or pickup orders placed directly with, and fulfilled by, a food service establishment.
- Websites, mobile applications, or other electronic services that do not post food service establishment menus, logos, or pricing information on their platforms.
- Search engines that only:
  - Facilitate an order to be picked up from a food service establishment without accepting a commission or fee for the order; or
  - Connect a consumer to a food delivery platform's website, or mobile application, or payment and order processing system for the purpose of placing an order.

The bill defines the term "food service establishment" to have the same meaning as the term "public food service establishment," as defined in s. 509.013(5), F.S., and "purchase price" as the price listed on the menu, excluding fees, tips or gratuities, and taxes.

The bill prohibits a food delivery platform from taking and arranging for the delivery or pickup of orders from a food service establishment without the express written or electronic consent of that food service establishment.

Under the bill, a food delivery platform must itemize and clearly disclose to the consumer the cost breakdown of each transaction. The food delivery platform must provide the consumer with a cost breakdown of each transaction, including, but not limited to:

- The purchase price of the food and beverage;
- Any commission, delivery fee, or promotional fee charged to the consumer by the food delivery platform;
- Any tip or gratuity; and
- Any taxes due on the transaction.

A food delivery platform must clearly provide the consumer with the following information:

- The anticipated date and time of the delivery of the order.
- The address to which the order will be delivered.
- Confirmation that the order has been successfully delivered or that the delivery cannot be completed.
- A mechanism for the consumer to express order concerns directly to the food delivery platform.

By July 1, 2025, a food delivery platform must provide food service establishments with a method of contacting the consumer while the order is being prepared, delivered, and for up to two hours after the order is picked up from the food service establishment. A method for responding to a consumer's ratings or reviews must also be provided.

A food delivery platform must remove a food service establishment's listing on the food delivery platform within 10 days after receiving the establishment's request for removal, unless there is an existing agreement between the two parties stating otherwise. Under the bill, a food delivery platform may not, without an agreement with the food service establishment, intentionally inflate, decrease, or alter a food service establishment's pricing.

The bill specifies the requirements for the agreement between a food delivery platform and a food service establishment, including clearly stating all fees, commissions, and charges that the food service establishment is expected to pay or absorb, policies related to alcoholic beverages, insurance requirements, the collection and remitting of taxes, and how disputes will be resolved.

The agreement between the food delivery platform and the food service establishment may not require a food service establishment to indemnify the food delivery platform, or any employee, contractor, or agent of the food delivery platform, for any damage or harm caused by the acts or omissions of the food delivery platform or any of its employees, contractors, or agents. A food delivery platform may also not unreasonably limit the value or number of transactions that may be disputed by a food service establishment with respect to orders, goods, or delivery errors for determining responsibility for errors and reconciling disputed transactions.

The bill authorizes the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) to enforce the provisions in the bill by issuing cease and desist orders upon a finding of probable cause that there is a violation and seeking an injunction or writ of mandamus against persons who violate the notice to cease and desist. The division may issue a civil penalty of not more than $1,000 per offense for each violation and is entitled to attorney fees and costs if it is required to seek enforcement of a notice for a penalty under the Administrative Procedures Act.

The bill provides an appropriation totaling $309,705 from the Hotel and Restaurant Trust Fund and the Administrative Trust Fund within the DBPR and three positions to implement the provisions of the bill.

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 112-0

Committee on Regulated Industries

CS/SB 692 — Public Records/Florida Gaming Control Commission

by Regulated Industries Committee and Senator Hutson

The bill exempts, as to current or former commissioners of the Florida Gaming Control Commission (commission) and their spouses and children, their home addresses, telephone numbers, dates of birth, and photographs, from the requirements for public records set forth in Art. I, s. 24, State Constitution and ch. 119, F.S.

In addition, the bill also exempts from public records requirements the places of employment of the spouses and children of current or former commissioners and the names and locations of schools and day care facilities attended by the children of current or former commissioners. The bill includes the required statement of public necessity for the exemption, with the Legislature finding:

- The release of the exempted information might place the commission's current or former commissioners and their family members in danger of physical and emotional harm from disgruntled individuals whose businesses or professional practices have come under the scrutiny of the commission;
- Such persons may be subject to threats or acts of revenge because of the duties performed by the commissioners; and
- The harm that may result from the release of such personal identifying and location information outweighs the public benefit that may be derived from the disclosure of the information.

The exemption will be repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 38-0; House 111-0

Committee on Regulated Industries

CS/HB 709 — In-Store Servicing of Alcoholic Beverages

by Regulatory Reform & Economic Development Subcommittee and Rep. Rizo (CS/SB 574 by Regulated Industries Committee and Senator Burgess)

The bill allows distributors of distilled spirits to perform in-store servicing of distilled spirits sold by the distributor to an alcoholic beverage vendor.

Under the bill, the term "in-store servicing" means:

- Placing distilled spirits, including distilled spirits located in a storage area designated by the vendor, on the vendor's shelves and maintaining the appearance and display of the distilled spirits on the vendor's shelves in the vendor's licensed premises;
- Placing the distilled spirits in displays;
- Placing distilled spirits that are not shelved or displayed in a storage area designated by the vendor, which is located in the vendor's licensed premises;
- Rotating distilled spirits; and
- Price stamping of distilled spirits in the vendor's licensed premises.

Under current law, distributers are permitted to perform comparable in-store servicing of wine and beer or malt beverages.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-1; House 118-0

Committee on Regulated Industries

CS/CS/SB 804 — Gaming Licenses and Permits

by Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Hutson

The bill revises gaming permitting and licensing procedures, including the method for serving official communications and administrative complaints upon permitholders and licensees licensed under chs. 550 and 551, F.S., (Pari-mutuel Wagering and Slot Machines, respectively), by the Florida Gaming Control Commission (commission).

The bill provides that the commission may deny a license to, or revoke, suspend, or place conditions or restrictions on a person who has been subject to a provisional suspension or period of ineligibility by the federal Horseracing Integrity and Safety Authority, or on a person suspended or ineligible for licensing related to the finding of a prohibited substance in an animal's hair or bodily fluids. If the commission summarily suspends an occupational license, the bill requires a licensee to be offered a post-suspension hearing within 72 hours after commencement of the suspension.

The bill authorizes the commission to deny an application for license, or to suspend or revoke a license, if an applicant for a license or a licensee has falsely sworn in a signed oath or affirmation to a material statement, including, but not limited to, their criminal history.

The bill revises requirements for the transmission of racing and jai alai information, effective upon the bill becoming a law, to authorize a licensed horse track to receive broadcasts of horseraces conducted at horse racetracks outside Florida, if the track:

- Conducted a full schedule of live racing in the preceding fiscal year; or
- Is not required to conduct a full schedule of live racing under current law.

Under the bill, the commission is authorized to waive certain restrictions related to slot machine occupational licensing, similar to the waiver authority in current law for pari-mutuel wagering occupational licensing. Current law authorizes the commission to deny, revoke, or refuse to renew a slot machine occupational license if the applicant or the licensee has been convicted of a felony or misdemeanor in Florida, another state, or under federal law which is related to gambling or bookmaking.

Under the bill, the commission will be able to waive the restriction on criminal convictions for slot machine licenses, if all of the following are established:

- The applicant is of good moral character;
- The applicant has been rehabilitated;
- The applicant's criminal conviction is not related to slot machine gaming; and
- The applicant's criminal conviction is not a capital offense.

The bill requires each licensed permitholder to report the money received on pari-mutuel pools, cardroom gross receipts, and slot machine revenues to the commission within 120 days after the end of the permitholder's fiscal year.

Except for the provision relating to the transmission of racing and jai alai information by licensed horse tracks which is effective upon the bill becoming a law, if approved by the Governor, or allowed to become law without the Governor's signature, the remaining provisions of the bill take effect July 1, 2024.
Vote: Senate 30-1; House 111-3

Committee on Regulated Industries

CS/HB 813 — Certified Public Accountants

by Regulatory Reform & Economic Development Subcommittee and Rep. Caruso and others (CS/CS/SB 954 by Governmental Oversight and Accountability Committee; Regulated Industries Committee; and Senator Gruters)

The bill permits a certified public accountant (CPA) to place his or her license in a retired status. If a licensee with a retired status license reenters the workforce in a position that has an association with accounting or any of the CPA services, the licensee automatically loses the retired status. However, a retired licensee may serve without compensation on a board of directors or board of trustees, provide volunteer tax preparation services, participate in government-sponsored business mentoring programs, or participate in an advisory role for a similar charitable, civic, or non-profit organization.

Under the bill, a retired licensee may accept routine reimbursement for actual costs of travel and meals associated with volunteer services or de minimis per diem amounts paid to the retired licensee to cover such expenses as allowed by law. Retired licensees may use the title of "retired CPA," but may not offer or render professional services that require her or his signature and use of the CPA title, regardless of whether the word "retired" is attached to such title.

A retired licensee may reactivate a license in a conditional manner determined by the Florida Board of Accountancy. Under the bill the continuing education requirements for reactivation are those of the most recent biennium plus one-half of the continuing education requirements in s. 473.312, F.S., for each biennium or part thereof during which the license was on retired status.

The bill also revises the definition of "Uniform Accountancy Act," which is published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy, to reference the current Eighth Edition, dated January 2018. The Uniform Accountancy Act provides uniform standards for the regulation of accountancy.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 39-0; House 119-0

Committee on Regulated Industries

HB 849 — Veterinary Practices

by Reps. Killebrew, Buchanan, and others (CS/CS/CS/SB 1040 by Rules Committee; Fiscal Policy Committee; Regulated Industries Committee; and Senator Bradley)

The bill creates an act that may be cited as the Providing Equity in Telehealth Services (PETS) Act (PETS act), which establishes a framework for the practice of veterinary telehealth in the state.

The PETS act establishes a framework for the practice of veterinary telehealth and:

- Defines "veterinary telehealth" to mean the use of synchronous or asynchronous telecommunications technology (occurring or not occurring simultaneously) by a telehealth provider to provide health care services. This includes, but is not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration;
- Allows a veterinarian who holds a current license to practice veterinary medicine in Florida to practice veterinary telehealth;
- Gives the board jurisdiction over a veterinarian practicing veterinary telehealth, regardless of where the veterinarian's physical office is located;
- Deems the practice of veterinary telehealth to occur at the premises where the patient is located at the time the veterinarian practices veterinary telehealth;
- Prohibits practicing veterinary telehealth unless it is within the context of a veterinarian/client/patient relationship;
- Requires the practice of telehealth to be consistent with a veterinarian's scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in Florida, and who must employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient;
- Authorizes veterinarians to use veterinary telehealth to perform an initial patient evaluation to establish the veterinarian/client/patient relationship, if the evaluation is conducted using audiovisual communication at the same time that the evaluation occurs (synchronous, audiovisual communication); the evaluation may not be performed using audio-only communications, text messaging, questionnaires, chatbots, or other similar means; and
- Specifies that if a veterinarian practicing telehealth conducts a patient evaluation sufficient to diagnose and treat the patient, the veterinarian is not required to research a patient's medical history or conduct a physical examination of the patient before using veterinary telehealth to provide a veterinary health care service to the patient.

The PETS act requires that a veterinarian practicing veterinary telehealth:

- Must provide the client the veterinarian's name, license number, and contact information, if the initial patient evaluation is performed using veterinary telehealth;
- Must provide the client contact information for at least one physical veterinary clinic in the vicinity of the patient's location and instructions for how to receive patient follow-up care or assistance, if:
  - The veterinarian and client are unable to communicate because of a technological or equipment failure; or
  - There is an adverse reaction to treatment;
- Must inform the client that if medication is prescribed, the client may obtain a prescription that may be filled at the pharmacy of his or her choice;
- Must obtain a signed and dated statement from the client indicating the client has received the required information before practicing veterinary telehealth;
- Must prescribe all drugs and medications in accordance with federal and state laws;
- May order or prescribe medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, conforming to approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to one month for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs; prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination;
- May not order or prescribe medicinal drugs or drugs as defined in s. 465.003, F.S., approved by the United States Food and Drug Administration for human use, or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.
- May not use veterinary telehealth to prescribe a controlled substance as defined in ch. 893, F.S., (Drug Abuse Prevention and Control), unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.
- May not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse, as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C., ss. 3051 et seq.;
- Must be familiar with available veterinary resources, including emergency resources, near the patient's location;
- Must be able to provide the client with a list of nearby veterinarians who may be able to see the patient in person upon the request of the client;
- Must keep, maintain and make available a summary of the patient record as required by s. 474.2165, F.S., relating to ownership and control of veterinary medical patient records; and
- May not use veterinary telehealth to issue an international or interstate travel certificate, or a certificate of veterinary inspection.

The PETS act also:

- Authorizes a veterinarian who is personally acquainted with the caring and keeping of an animal or group of animals on food-producing animal operations on land classified as agricultural pursuant to s. 193.461, F.S., who has recently seen the animal or group of animals or has made medically appropriate and timely visits to the premises where the animal or group of animals is kept, to practice veterinary telehealth for animals on such operations; and
- Revises current law relating to ownership and control of veterinary medical patient records, to refer to medical records that are generated after a veterinarian makes an examination, to conform to the use of veterinary telehealth as authorized in the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 113-0

Committee on Regulated Industries

CS/CS/HB 1007 — Nicotine Dispensing Devices

by Commerce Committee; Appropriations Committee; and Rep. Overdorf and others
(CS/CS/SB 1006 by Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator Perry)

The bill authorizes the Attorney General to adopt rules to create a directory of nicotine dispensing devices that the Attorney General has determined to be "attractive to minors," thereby removing those products from the market. Under the bill, the term "nicotine dispensing devices" includes e-cigarettes, vapes, and other similar products. Each individual stock keeping unit is considered a separate nicotine dispensing device. Open systems in which a consumer fills a vial or other containers with a nicotine solution are exempted from the provisions of the bill.

To determine that a product is "attractive to minors," the Attorney General must consider several factors, including:

- Surveys or other data sources indicating that a nicotine dispensing device is being used by minors at a higher rate than other nicotine dispensing devices.
- Complaints, reports, or other information related to the use of a nicotine dispensing device by minors from other minors, from parents, teachers, school employees, school boards, and law enforcement officers, retailers, and other industry officials as compared to other nicotine dispensing devices.
- The extent to which the product is designed and marketed to be attractive to minors (e.g., use of bright colors or cartoon characters, ease of use for minors, resemblance to a food product, and uniquely marketed to minors).
- Use of actual intellectual property that resemble consumer food products that are popular with minors.
- Any reports of physical harm to minors from using the nicotine dispensing device or evidence that the nicotine dispensing device presents unique risks to minors.
- Whether the manufacturer of the nicotine dispensing device submitted a timely filed premarket tobacco product application for the nicotine dispensing device pursuant to 21 U.S.C. s. 387j.
- Decisions by the U.S. Food and Drug Administration (FDA) regarding the product, including the extent to which the FDA's decision was predicated, in whole or part, on the risks to minors outweighing other benefits of the nicotine dispensing device.

21 U.S.C. s. 387j requires tobacco products that were on the market as of August 8, 2016, to submit a premarket application (PMTA) to the FDA and by September 9, 2020, in order to be authorized to continue to legally market the product. Nicotine dispensing devises that contain nicotine not made or derived from tobacco, such as synthetic nicotine, must also receive a marketing order from the FDA. This market authorization does not apply to "pre-existing tobacco product," i.e., "grandfathered tobacco products" that were commercially marketed in the United States as of February 15, 2007.

After review of a PMTA for a nicotine dispensing device, the FDA may issue a marketing order to permit the continued marketing of the nicotine dispensing device, or it may deny the PMTA to prohibit continued marketing of the nicotine dispensing device. The provisions of the bill do not apply to nicotine dispensing devices that have received a marketing order from the FDA.

The Department of Legal Affairs (department) is directed to develop and maintain a directory listing all of the nicotine product manufacturers that sell nicotine dispensing devices in Florida which the Attorney General has deemed attractive to minors. The department must make the directory available January 1, 2025 for public inspection on its website.

The Attorney General's decision to include a product in the directory is subject to review under the Administrative Procedure Act. After a product is included in the directory, retailers and wholesale dealers have 60 days from the date the directory is made public to sell or otherwise discard the products.

A person who knowingly sells, ships, or receives for retail sale a prohibited device commits a first degree misdemeanor. Other violations are enforced by the Attorney General as a deceptive trade practice and are also subject to a civil penalty of $1,000 per prohibited device sold. There is no private right of action under the bill.

Under the bill, products that are listed on the directory are declared to be contraband and are subject to seizure under the Florida Contraband Forfeiture Act. A court having jurisdiction must order contraband nicotine dispensing devices forfeited upon a showing that, by a preponderance of the evidence, the devices were sold, delivered, possessed, or distributed contrary to any provision of ch. 569, F.S., relating to tobacco and nicotine products. Once any administrative proceedings under ch. 120, F.S., related to such devices have been completed, the court must order seized nicotine dispensing devices to be destroyed, except as provided by applicable court orders. The department is required to keep specified records of all nicotine dispensing devices seized under the act.

The bill increases the criminal penalty for a third or subsequent violation of the prohibition against selling or giving a nicotine product to a person under 21 years of age from a misdemeanor of the first degree to a felony of the third degree. Under current law, a misdemeanor of the first degree is punishable by a term of imprisonment not to exceed one year and a fine not to exceed $1,000, and a felony of the third degree is punishable by a term of imprisonment not to exceed five years and a fine not to exceed $5,000.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 39-0; House 105-5

Committee on Regulated Industries

CS/CS/CS/HB 1021 — Community Associations

by Commerce Committee; State Administration & Technology Appropriations Subcommittee; Regulatory Reform & Economic Development Subcommittee; and Rep. Lopez, V. and others (CS/CS/CS/SB 1178 by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senators Bradley, Pizzo, Osgood, Rodriguez, Garcia, and Jones)

The bill relates to the governance of condominium and cooperative associations and the practice of community association management.

Community Association Managers

The bill requires community association managers (CAMs) and CAM firms to return all community association records in their possession within 20 business days of termination of a services agreement or a written request whichever occurs first, with license suspension and civil penalties for noncompliance, except that the time frames applicable to timeshare plans apply to the records of a timeshare plan.

The bill provides conflict of interest disclosure requirements and a process for associations to follow when approving contracts with CAMs and CAM firms, or a relative, that may present a conflict of interest. The requirements are similar to the conflicts of interest provisions for condominium associations and their officers and directors, including:

- Providing that, if the association receives and considers a bid to provide a good or service that exceeds $2,500, other than community association management services, from a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or a relative of such persons, the association must also solicit multiple bids from other third-party providers of such good or service.
- Requiring that the proposed activity that may be a conflict of interest must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the board's meeting agenda and entered into the meeting minutes.
- Requiring the board must approve the contracts with a potential conflict of interest, and all management contracts, by an affirmative vote of two-thirds of all directors present.

Milestone Inspections

Currently, single-family, two-family, and three-family dwellings are exempt from the milestone inspection requirements. The bill exempts four-family dwellings with three or fewer habitable stories above ground.

Official Records – Condominiums

Regarding access to the official records of a condominium association, the bill:

- Provides that, if records are lost or destroyed, there is a good faith obligation to obtain and recover the records as is reasonably possible.

- Allows e-mail addresses and facsimile numbers to be accessible to unit owners if consent to receive notice by electronic transmission has been provided.
- Prohibits the sale or sharing of such personal information to third parties.
- Effective January 1, 2026, decreases from 150 units to 25 units the threshold requirement for an association to maintain specified records available on the association's website or on a mobile device.
- Requires official records to be provided to the unit owner at no charge if the Division of Condominium, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR) subpoenas records an association has failed to timely provide in response to a unit owner's written request.
- Requires associations to maintain additional financial records (e.g., invoices and other documentation that substantiates any receipt or expenditure).
- Requires associations to respond to a records request with a checklist of all records provided.
- Authorizes the division to request access to an association's website to investigate complaints related to unit owner access to official records on such website.

Criminal Violations – Condominiums

The bill provides the following criminal penalties related to condominium associations, and the official records of the association:

- Second degree misdemeanor for any director or member of the board or association to knowingly, willfully, and repeatedly violate (two or more violations within a 12-month period) any specified requirements relating to inspection and copying of official records of an association;
- First degree misdemeanor for knowingly and intentionally defacing or destroying required accounting records, or failing to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members;
- Third degree felony to willfully and knowingly refuse to release or produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape;
- Third degree felony for an officer, director, or manager of a condominium association to knowingly solicit, offer to accept, or accept a kickback; and
- First degree misdemeanor for engaging in specified fraudulent voting activity, and knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.

The bill provides that officers and directors charged with a criminal violation under ch. 718, F.S., are deemed removed from office and a vacancy declared.

Budgets, Financial Reporting, and Reserves – Condominiums and Cooperatives

Regarding condominium association budgets, financial reporting, and reserves, the bill:

- Prohibits associations from reducing the required type of financial statement (compiled, reviewed, or audited financial statements) for consecutive years.
- Requires associations to provide unit owners with a notice that the structural integrity reserve study (SIRS) is available for inspection and copying within 45 days of completion of the study. The notice may be provided electronically.
- Allows associations to temporarily pause the funding of reserves or a reduce reserve funding if the entire condominium building is uninhabitable due to a natural emergency, as determined by the local enforcement agency, upon majority approval of the members.

Condominium and cooperative associations must notify the division within 45 days after the SIRS is completed. By January 1, 2025, the division must create a database of associations that have completed the SIRS. After December 31, 2024, the division must include in its annual report a list of all associations that have completed the SIRS.

Meetings of Condominium Associations

The bill requires:

- Associations of 10 or more units to meet quarterly and four times each year the agenda must allow members to ask questions concerning the status of construction or repair projects, revenues and expenditures, and other condominium issues; and
- The notice for meetings on assessments must include the cost and purpose of assessments and a copy of any proposed contract.

Director Education – Condominiums

The bill provides education requirements for the officers and directors of condominium associations to require:

- Newly elected or appointed directors to submit both the written certification that they have read the association's governing documents, will work to uphold the documents to the best of their ability and faithfully discharge their duties, and submit a certificate of completion of an approved condominium education course;
- Four hours of training which includes instruction on milestone inspections, SIRS, elections, recordkeeping, financial literacy and transparency, levying of fines, and meeting requirements;
- Directors to annually complete at least one hour of continuing education about recent changes to the condominium laws and rules during the past year; and
- Directors, excluding directors for a timeshare condominium, to certify, on a form provided by the division, that all directors have completed the required written certification and educational certificate requirements.

Voting in Condominium and Cooperative Associations

Regarding voting in condominium and cooperative associations, the bill:

- Requires associations to notify a condominium unit owner or member that his or her voting rights may be suspended due to nonpayment of a fee or other monetary obligation at least 90 days before an election.
- Allows cooperative and condominium unit owners to consent to electronic voting in elections by using an electronic means of consent.
- Provides that if the condominium and cooperative board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless the unit owner opts out.

Hurricane Protections – Condominiums

The bill revises the requirements for the installation of hurricane protection in a condominium building, including:

- Creating a uniform definition for "hurricane protection;"
- Requiring condominium declarations to delineate the responsibilities of unit owners and associations for the costs of maintenance, repair, and replacement of hurricane protections, exterior doors, windows, and glass apertures;
- Providing a uniform procedure for approval of hurricane protection; and
- Providing that unit owners are not responsible for the cost of removal and reinstallation of hurricane protection if the removal is necessary to repair condominium property.

SLAPP and Defamation Suits

The bill revises the prohibitions against "strategic lawsuits against public participation" or "SLAPP suits," which occur when association members are sued by individuals, business entities, or governmental entities for matters arising out of a unit owner's appearance and presentation before a governmental entity on matters related to the condominium association.

The bill includes condominium associations in the SLAPP suit prohibition, and protects unit owners who report complaints to government agencies or law enforcement, or make public statements critical of the operation or management of an association by prohibiting associations from:

- Retaliating against unit owners, by increasing assessments, threatening to bring an action for possession or other civil action; and
- Spending association funds in support of defamation, libel, or tortious interference actions against a unit owner.

Condominium Officers and Directors

The bill provides that the attendance of an officer or director at a meeting of the board is sufficient to constitute a quorum for the meeting and for any vote taken in his or her absence when the director is required to leave the room during the discussion and the taking of a vote on a contract in which the director, or his relative, has an interest.

Division of Condominium, Timeshares, and Mobile Homes

The bill expands the division's post-turnover jurisdiction to include:

- Procedures and records related to financial issues, including annual financial reporting, assessments for common expenses, fines, and commingling funds;
- Elections, including election and voting requirements, and recall of board members;
- The maintenance of and unit owner access to association records;
- The procedural aspects of meetings, such as unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings;
- Disclosure of conflicts of interest;
- Removal of a board director or officer under ch. 718, F.S.;
- The procedural completion of structural integrity reserve studies; and
- Any written inquiries by unit owners to the association.

In addition, the bill:

- Requires that the division must refer to local law enforcement authorities any person it believes has engaged any criminal activity.
- Provides that the division and the office of the condominium ombudsman may attend and observe any meeting of the board or any unit owner meeting, for the purpose of performing the duties of the division or the office of the ombudsman.

The division must submit findings by January 1, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives, of its review and recommendations of the website or application requirements for official records.

Condominium Ombudsman

The bill provides for the appointment of the Condominium Ombudsman by the DBPR secretary instead of the Governor, and deletes the requirement that the ombudsman must be an attorney.

Limitations on Actions by Condominium and Cooperative Associations

The bill provides that the statute of limitations and statute of repose for certain actions available to a condominium association or a cooperative association, will not begin to run until the unit owners have elected a majority of the members of the board of administration.

Pre-Sale Disclosures and Requirements

The bill revises the form in which the prospective purchaser of a condominium unit acknowledges receipt of specified documents to include a copy of the most recent annual financial statement and annual budget of the condominium association.

Effective October 1, 2024, the bill also:

- Includes the annual financial statement and annual budget of the condominium association among the documents a nondeveloper seller of a unit must give to a prospective purchaser of a unit.
- Allows developers of nonresidential condominiums the option of delivering to the escrow agent a surety bond or an irrevocable letter of credit with specified conditions, and
- Revises escrow requirements for developers.

Condominiums Within a Portion of a Building or Within a Multiple Parcel Building

The bill revises the definition for the term "condominium property" to mean "the lands, leaseholds, improvements, any personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership."

Effective October 1, 2024, the bill provides disclosure requirements for the creation of condominiums within a portion of a building or within a multiple parcel building. The association of a condominium created within a portion of a building or within a multiple parcel building has the right to inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

Florida Building Commission – Water Intrusion Study

The bill also requires the Florida Building Commission to submit a report by December 1, 2024, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees and appropriate substantive committees with jurisdiction over ch. 718, F.S., of its review of the standards to prevent water intrusion through the tracks of sliding glass doors.

Appropriation

For Fiscal Year 2024-2025, the bill appropriates $6,122,390 in recurring and $1,293,879 in nonrecurring funds from the General Revenue Fund to the Department of Business and Professional Regulation, and 65 full-time equivalent positions with an associated salary rate, for the purpose of implementing the provisions of this bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 111-0

Committee on Regulated Industries

CS/SB 1090 — Unauthorized Sale of Alcoholic Beverages

by Rules Committee and Senator Martin

The bill increases the criminal penalties for the unlicensed or unlawful sale of alcoholic beverages under s. 562.12(1), F.S., which prohibits the sale of alcoholic beverages without a license or in a manner not permitted by the license and keeping and maintaining a place where alcoholic beverages are sold unlawfully.

The bill provides that a person, including a licensee, who unlawfully sells alcoholic beverages at a commercial establishment or keeps or maintains a place where alcoholic beverages are sold or intended to be sold unlawfully commits a felony of the third degree and must pay a fine of not less than $5,000 and not more than $10,000. Under current law, a felony of the third degree is punishable by a term of imprisonment not to exceed five years and a fine not to exceed $5,000.

The bill maintains current law, which provides that a person who keeps or maintains a place where alcoholic beverages are sold unlawfully commits a second degree misdemeanor, which is punishable by a term of imprisonment not to exceed 60 days and a fine not to exceed $500.

The bill also provides that any person who commits a second or subsequent violation of s. 562.12(1), F.S., commits a second degree felony, with a fine of not less than $15,000 but not more than $20,000. Under current law, a felony of the second degree is punishable by a term of imprisonment not exceeding 15 years and a fine not exceeding $10,000.

The bill provides additional grounds for local nuisance abatement boards to declare a place or premises a public nuisance. A place or premises may be declared a public nuisance, if used on more than two occasions within a 12-month period, as the site of a violation of s. 562.12, F.S., relating to the unlicensed or unlawful sale of alcoholic beverages. Local nuisance abatement boards are authorized to prohibit specified nuisances, including ordering the closure of any place or premises that has been used as the site of certain specified nuisances, such as being the site of repeated controlled substances criminal violations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 114-0

Committee on Regulated Industries

CS/SB 1142 — Occupational Licensing

by Fiscal Policy Committee and Senator Hooper

The bill amends s. 489.117, F.S., relating to the registration of specialty contractors, to authorize registered contractors in good standing who have been registered with a local jurisdiction during calendar years 2021, 2022, or 2023, to apply for a license to be issued by the Florida Construction Industry Licensing Board (CILB), when a local jurisdiction has determined not to continue issuing local licenses or exercising disciplinary oversight over such licensees.

The bill requires the CILB to issue licenses in the circumstances specified in the bill to eligible applicants who have provided:

- Evidence of the prior local registration during 2021, 2022, or 2023;
- Evidence that the local jurisdiction does not have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, which may include a notification on the website of the local jurisdiction or an e-mail or letter from the local building department;
- The required application fee; and
- Evidence of compliance with the insurance and financial responsibility requirements for contractors required by current law.

The bill extends from July 1, 2024 to July 1, 2025:

- The date of expiration of all local licensing of occupations; and
- The date by which the CILB must adopt rules to establish certified specialty contractor categories for voluntary licensure.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 112-0

Committee on Regulated Industries

HB 1147 — Broadband

by Rep. Tomkow and others (SB 1218 by Senator Burgess)

The bill amends s. 288.9963, F.S., to extend the date—from July 1, 2024, to December 31, 2028—through which municipal electric utilities are to offer to broadband providers a promotional $1 per wireline attachment per pole, per year, wireline attachment rate for any new attachments necessary to make broadband service available to an unserved or underserved end user within a municipal electric utility service territory. The bill would also have the effect of extending the $1 promotional rate for any currently existing wireline attachments made under the existing s. 288.9963, F.S., from July 1, 2024, to December 31, 2028.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect June 30, 2024.
Vote: Senate 36-0; House 119-0

Committee on Regulated Industries

CS/CS/HB 1203 — Homeowners' Associations

by Commerce Committee; Regulatory Reform & Economic Development Subcommittee; and Reps. Esposito, Anderson, Porras, and others (CS/SB 7044 by Rules Committee; Regulated Industries Committee; and Senators Bradley, Garcia, Rodriguez, and Avila)

The bill relates to the governance of homeowners' associations and the practice of the community association managers who manage those communities.

Community Association Managers

Regarding community association managers (CAMs) and CAM firms, the bill requires CAMs and CAM firms to:

- Annually attend at least one member meeting or board meeting of the association;
- Provide to community association members certain information, including the contact person, contact information, and the hours of availability;
- Provide the community's members upon request a copy of the contract between the association and the CAM or CAM firm;
- Annualy complete at least 10 hours of continuing education; and
- Biennially complete at least five hours of continuing education that pertains to homeowners' associations, three hours of which must relate to recordkeeping.

Official Records

The bill requires homeowners' associations to:

- Effective January 1, 2026, associations with 100 or more parcels, maintain a digital copy of specified official records for download on the association's website or through an application on a mobile device.
- Provide a copy of records or otherwise make the records available that are subpoenaed by a law enforcement agency within five days of receiving a subpoena.
- Maintain official records for at least seven years, unless the governing documents of the association require a longer period of time.

Criminal Violations

The bill provides the following criminal penalties related to homeowners' associations:

- Second degree misdemeanor for any director or member of the board or association to knowingly, willfully, and repeatedly violate (two or more violations within a 12-month period) any specified requirements relating to inspection and copying of official records of an association with the intent of causing harm to the association or one or more of its members;
- First degree misdemeanor for knowingly and intentionally defacing or destroying required accounting records, or knowingly and intentionally failing to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members;

- Third degree felony to willfully and knowingly refuse to release or otherwise produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape; and
- Third degree felony for an officer, director, or manager of a condominium association to knowingly solicit, offer to accept, or accept a kickback.

The bill also expands the current criminal prohibitions against fraudulent voting activity to provide it is a first degree misdemeanor for:
- Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.
- Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.
- Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment.

Any officer or director charged with a criminal violation under ch. 720, F.S., must be removed from office and a vacancy declared.

Assisting Law Enforcement

The bill requires associations, if subpoenaed, to provide a copy of the requested records within five business days of receiving the subpoena and to assist law enforcement in any investigation to the extent permissible by law.

Financial Reporting

The bill:
- Requires associations with 1,000 or more parcels to have audited financial statements; and
- Prohibits associations from reducing the required type of financial statement (compiled, reviewed, or audited financial statements) for consecutive years.

Requirement to Provide Accounting

The bill allows association parcel owners to make a written request for a detailed accounting of any amounts owed to the association. If the association fails to provide the accounting within 15 business days of a written request, any outstanding fines of the requester are waived if the fine is more than 30 days past due and the association did not give prior written notice of the fines. It also prohibits parcel owners from requesting another detailed accounting within 90 days of such a request.

Education - Officers and Directors

The bill revises the education requirements for the directors of homeowners' associations to:

- Require a newly elected or appointed director to, within 90 days after being elected or appointment to submit a certificate of having completed the educational curriculum.
- Require that the educational curriculum include training relating to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements.
- Require a director of an association that has:
  - Fewer than 2,500 parcels to complete at least four hours of continuing education annually.
  - 2,500 or more parcels must complete at least eight hours of continuing education annually.

Enforcement of Covenants and Rules

The bill requires associations or an architectural, construction improvement, or other similar committee to:

- Provide written notice to the parcel owner of the rule or covenant relied upon when denying the request for the construction of a structure or other improvement;
- Not place limits on the interior of a structure or require review of HVAC, refrigeration, heating, or ventilating system not visible from a parcel's frontage, an adjacent parcel, common area, or community golf course, if a substantially similar system has been previously approved; and
- Not prevent a homeowner from installing or displaying vegetable gardens and clotheslines in areas not visible from the frontage or an adjacent parcel, an adjacent common area, or a community golf course.

Fines, Suspensions, and Liens

Associations must have a hearing before a committee to review a fine or suspension issued by the board, and the bill:

- Requires the 14-day notice of the parcel owner's right to a hearing to be in writing;
- Requires the hearing to be held within 90 days of the notice of hearing;
- Allows the committee to hold the hearing by telephone or other electronic means;
- Requires written findings related to the violation to be provided within seven days of the hearing, the date the fine must be paid or the suspension fulfilled;
- Requires the date by which the fine must be paid to be at least 30 days after delivery of the written notice of the committee's decision; or
- Prohibits attorney fees and costs based on actions taken by the board before the date set for the fine to be paid;
- Allows that, if a violation and the proposed fine or suspension is not cured or the fine is not paid, reasonable attorney fees and costs may be awarded to the association, but may not begin to accrue until after the payment date of the fine or the appeal time has expired.

The bill prohibits homeowners' associations from issuing a fine or suspension for:

- Leaving garbage receptacles at the curb or end of the driveway less than 24 hours before or after the designated garbage collection day or time.
- Leaving holiday decorations or lights up longer than indicated in the governing documents, unless such decorations or lights are left up for longer than one week after the association provides written notice of the violation to the parcel owner.

The bill also provides that homeowners' associations may not prohibit a homeowner or others from parking:

- A personal vehicle, including a pickup truck, in the property owner's driveway or in any other area where they have a right to park.
- A work vehicle, which is not a commercial motor vehicle, in the property owner's driveway.
- Their assigned first responder vehicle on public roads or rights-of-way within the homeowners' association.

In addition, the governing documents may not prohibit a property owner from:

- Inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on a preferred vendor list of the homeowners' association or does not have a professional or occupational license.
- Operating a vehicle in conformance with state traffic laws, on public roads or rights-of-way or the property owner's parcel, unless the vehicle is a commercial motor vehicle.

Electronic Voting

The bill allows members of a homeowners' association to consent to electronic voting by using an electronic means of consent. Current law requires written consent to vote electronically.

Assessments

The bill permits only simple interest, not compound interest, to accrue on assessments and installments on assessments that are not paid when due.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 110-0

Committee on Regulated Industries

CS/CS/HB 1335 — Department of Business and Professional Regulation

by Commerce Committee; State Administration & Technology Appropriations Subcommittee; and Rep. Maggard and others (CS/CS/SB 1544 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Hooper)

The bill revises the licensing process and other requirements for several licensees and permittees regulated by the Department of Business and Professional Regulation (DBPR). The bill requires persons and entities to create and maintain an online system account for the purpose of processing license, permit, or registration applications, as applicable, and to function as the primary means of contact between the regulating agency and the licensee, permittee, or registrant. Under the bill, the regulating agency may not process an application for the following licenses, permits, or registrations unless it is submitted through the online system:

- Licenses and permits for persons and entities licensed or permitted by the DBPR's Division of Alcoholic Beverages and Tobacco (DABT) under ch. 210, F.S., relating to the taxation of tobacco products;
- Alcoholic beverage licenses issued by the DABT; and
- Retail tobacco products dealer and retail nicotine products dealer permits issued by the DABT.

The bill increases the initial surety bond for an application for a tobacco products distributor's license from $1,000 to $25,000. It provides for the DABT to review the amount of the bond and increase it based on established criteria. The DABT may also reduce the bond upon the showing of "good cause" as established by the bill.

The following persons must create and maintain an online account with the agency as a primary means of contact:

- Certified elevator inspectors, certified elevator technicians, or elevator companies registered with the DBPR's Division of Hotels and Restaurants; and
- Certified public accountants licensed by the DBPR's Board of Accountancy.

Regarding the Florida Homeowners' Construction Recovery Fund (recovery fund), the bill doubles the maximum amounts payable to claimants for claims that may be made against contractors from the recovery fund.

Beginning January 1, 2025, for Division I and Division II contracts entered into on, or after, July 1, 2024, payment from the recovery fund is subject to a $100,000 maximum payment for each Division I claim ($50,000 maximum currently), and a $30,000 maximum payment for each Division II claim ($15,000 maximum currently).

The bill also increases the lifetime aggregate limits for claims made against a single licensee. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject only to a total lifetime aggregate cap of

$2 million for each Division I claim ($500,000 maximum currently), and a $600,000 maximum payment for each Division II claim ($150,000 maximum currently).

The bill:

- Regarding pilots of navigable waters, repeals the requirement for:
  - Pilots and pilots in port to establish a competency-based mentor program for minority persons as defined in s. 288.703, F.S.;
  - The DBPR to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing information on the mentor programs; and
  - The DBPR to give consideration to minority and female state applicants when qualifying deputy pilots for certification.
- Authorizes the DBPR to exercise all the powers and duties of the Board of Employee Leasing if at any time the board lacks a quorum of appointed members under s. 455.207, F.S., which provides that 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum.
- Revises the criteria for determining financial responsibility when licensing asbestos abatement consultants and contractors.
- Revises the engineer license exemption to exempt regular full-time employees of a business organization (instead of a corporation) not engaged in the practice of engineering and whose practice of engineering for such business organization (instead of corporation) is limited to the design or fabrication of manufactured products or servicing of such products.
- Regarding barbers and cosmetologists, repeals duplicative provisions allowing licensure by endorsement of persons licensed in another state for at least one year.
- Regarding construction contracting, authorizes local jurisdiction enforcement bodies to recommend to the DBPR's Construction Industry Licensing Board (CILB) a penalty of restitution, in addition to the penalties that a local jurisdiction enforcement body is authorized to recommend to the CILB in current law, and requires the recommended penalty specify which violations of ch. 489, F.S., apply.
- Includes the maintenance of nonelectrical advertising signs (in addition to electrical advertising signs) within the scope of practice of a specialty electrical or alarm system contractor.
- Provides additional types of work experience to qualify for certification as a designated representative of an entity licensed under the Drug and Cosmetic Act in ch. 499, part I, F.S.
- Reduces from 15 years to 10 years the disqualification for an alcoholic beverage license based on a conviction for a felony in Florida, any other state, or the United States.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 29-11; House 102-9

Committee on Regulated Industries

CS/CS/HB 1645 — Energy Resources

by Commerce Committee; Energy, Communications & Cybersecurity Subcommittee; and Rep. Payne and others (CS/CS/SB 1624 by Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator Collins)

The bill amends several sections of Florida law and creates new statutory provisions relating to energy resources. In summary, the bill:

- Creates limitations on local government regulation of natural gas resiliency and reliability infrastructure. After July 1, 2024, a local government may not amend its local land regulations to conflict with a resiliency facility as an allowable use. A "resiliency facility" is defined as a facility owned and operated by a public utility for the purposes of assembling, creating, holding, securing, or deploying natural gas reserves for temporary use during a system outage or natural disaster."
- Revises energy guidelines for public businesses, deleting requirements relating to the Florida Climate-Friendly Preferred Products List, Green Lodging Program, and state vehicle fuel efficiency.
- Adds "community development district created pursuant to chapter 190" to a provision that prohibits a municipality, county, special district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy or taking any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied by utilities, gas districts, natural gas transmission companies, and certain liquefied petroleum gas dealers, dispensers, and cylinder exchange operators.
- Adds "community development district created pursuant to chapter 190" to a provision that prohibits a municipality, county, special district, or other political subdivision of the state from restricting or prohibiting the use of an appliance using the fuels or energy types supplied by the entities above.
- Requires all rural electric cooperatives and municipal electric utilities to enter into and maintain certain mutual aid agreements and submit an annual attestation to qualify to receive state financial assistance for disaster recovery.
- Requires public utilities to provide notice to the Public Service Commission (PSC) 90 days before the full retirement of an electrical power plant if such retirement does not coincide with the retirement date in the public utility's most recently approved depreciation study. The PSC then may schedule a hearing regarding whether the retirement is prudent and consistent with the energy policy goals established in s. 377.601(2), F.S., as amended in the bill.
- Permits the PSC to approve upon petition by a public utility, certain electric vehicle (EV) charging programs if the PSC determines that the public utility's general body of ratepayers, as a whole, will not pay to support recovery of its electric vehicle charging investment by the end of the useful life of the assets dedicated to the electric vehicle charging service.
- Amends s. 403.503, F.S., which provides definitions for the Florida Electrical Power Plant Siting Act. The act does not apply to an electrical power plant of less than 75

megawatts in gross capacity (unless an applicant applies for such certification). The amendment creates a definition for "gross capacity," to be "the maximum generating capacity based on nameplate generator rating, and for a solar electrical generating facility, the capacity measured as alternating current which is independently metered prior to the point of interconnection to the transmission grid."

- Requires the PSC to conduct an annual proceeding to determine prudently incurred natural gas facilities relocation costs for cost-recovery by natural gas public utilities through a charge separate from the utilities' base rates.
- Substantially revises legislative intent as it pertains to ch. 377, part II, F.S., which provides energy resource planning and development policies for Florida. The revisions also provide updated energy policy goals and state policies as they relate to energy resource planning and development.
- Eliminates a requirement that the Department of Agriculture and Consumer Services (DACS), when analyzing the energy data collected and preparing long-range forecasts of energy supply and demand, forecasts contain plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas. Instead, such forecasts must contain an analysis of the extent to which domestic energy resources, including renewable energy sources, are being utilized in the state. It also revises certain related considerations and assessments.
- Revises the duties of the DACS as it relates to the promotion of the development and use of renewable energy sources. The section deletes a requirement that the DACS establish goals and strategies for increasing the use of renewable energy in the state.
- Prohibits the construction or expansion of:
  - An offshore wind energy facility, including buildings, structures, vessels, and electrical transmission cables to the site.
  - A wind turbine or wind energy facility within one mile of a coastline—defined as the mean high water line.
  - A wind turbine or wind energy facility within one mile of the Atlantic Intracoastal Waterway or Gulf Intracoastal Waterway.
  - A wind turbine or wind energy facility on state waters and submerged lands.
- Requires the Department of Environmental Protection (DEP) to review federal wind energy lease applications and signify the DEP's approval or objection.
- Repeals the Florida Energy and Climate Protection Act (which includes the Renewable Energy and Energy-Efficient Technologies Grants Program), Florida Green Government Grants Act, Energy Economic Zone Pilot Program, and Qualified Energy Conservation Bonds provisions.
- Provides procedures for handling existing applications and contracts relating to the above repealed programs.
- Increases the minimum length of an intrastate natural gas pipeline that requires certification under the Natural Gas Transmission Pipeline Siting Act from 15 miles to 100 miles.
- Prohibits homeowners' associations from prohibiting certain types or fuel sources of energy production and appliances that use such fuels in their governing documents.

- Directs the PSC to coordinate, develop, and recommend a plan under which an assessment of the security and resiliency of the state's electric grid and natural gas facilities against both physical threats and cyber threats may be conducted. The provision also requires the PSC to submit a report to the Legislature. The PSC, in developing the plan, is to consult with the Division of Emergency Management (DEM) and, in its assessment of cyber threats, with the Florida Digital Service. The PSC must submit its recommended plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2025.
- Directs the PSC to study and evaluate, and in consultation with the DEP and the DEM, the technical and economic feasibility of using advanced nuclear power technologies, including small modular reactors (SMRs), to meet the state's electrical power needs, and research means to encourage and foster the installation and use of such technologies at military installations in the state in partnership with public utilities. The PSC must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by April 1, 2025.
- Directs the Florida Department of Transportation (FDOT), in consultation with the Office of Energy within the DACS, to study and evaluate the potential development of hydrogen fueling infrastructure, including fueling stations, to support hydrogen-powered vehicles that use the state highway system. The FDOT must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by April 1, 2025.
- Makes technical and conforming changes.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 28-12; House 81-29

Committee on Regulated Industries

CS/SB 7006 — OGSR/Utility Owned or Operated by a Unit of Local Government

by Governmental Oversight and Accountability Committee; Regulated Industries Committee; and Senator Hooper

The bill amends s. 119.0713(5), F.S., to save from repeal the public record exemption for the following information held by a utility owned or operated by a unit of local government (i.e., municipal utility):

- Information related to the security of the technology, processes, or practices that are designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access, which information, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.
- Information related to the security of existing or proposed information technology systems or industrial control technology systems, which, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.
- Customer meter-derived data and billing information in increments less than one billing cycle.

Thus, the public record exemption established in s. 119.0713(5), F.S., will continue. However, the public records exemptions relating to cybersecurity will be subject to a repeal date of October 2, 2027. This will correspond with the repeal date for the review and repeal date for the general cybersecurity exemptions under ch. 119, F.S.

The bill also amends s. 286.0113(3), F.S., to save from repeal the exemption from public meeting requirements for any portion of a meeting that would reveal the protected information specified above. Recordings or transcripts of the exempt portions of meetings will also remain protected pursuant to that subsection. These exemptions will also be subject to a repeal date of October 1, 2027.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 39-0; House 115-0

Committee on Regulated Industries

CS/SB 7008 — OGSR/Department of the Lottery

by Governmental Oversight and Accountability Committee; Regulated Industries Committee; and Senator Hooper

The bill saves from repeal the current public records exemption in s. 24.1051, F.S., making confidential and exempt from public inspection and copying requirements certain information held by the Florida Department of the Lottery (department). Specifically, the bill continues the exemptions from public disclosure for records held by the department related to the operations and processes of the department. The exemptions are necessary to protect the security and integrity of lottery operations and to allow the department to participate in multistate lottery games. Information held by the department is designated as confidential and exempt but may be disclosed to other governmental entities in the performance of their duties.

The exemptions are subject to the Open Government Sunset Review Act (OGSR) and will stand repealed on October 2, 2024, unless reenacted by the Legislature. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the information. However, public records exemptions relating to the Lottery cybersecurity will be subject to a new repeal date of October 2, 2027. This will correspond with the repeal date for the review and repeal date for the general cybersecurity exemptions under ch. 119, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.
Vote: Senate 39-0; House 115-0