

<b>Tab 1</b>	<b>SB 172 by Polsky (CO-INTRODUCERS) Osgood, Book;</b> (Similar to H 01161) Verification of Eligibility for Homestead Exemption					
749472	A	S	RCS	CA, Polsky	Delete L.15 - 19:	01/31 11:30 AM
<b>Tab 2</b>	<b>CS/SB 612 by CM, Hooper;</b> (Similar to CS/H 00481) Building Construction Regulations and System Warranties					
<b>Tab 3</b>	<b>SB 648 by DiCeglie;</b> (Similar to H 00377) License or Permit to Operate a Vehicle for Hire					
<b>Tab 4</b>	<b>SB 734 by Ingoglia;</b> (Similar to CS/H 00735) Government Accountability					
329408	D	S	RCS	CA, Ingoglia	Delete everything after	01/31 11:36 AM
<b>Tab 5</b>	<b>SB 782 by Yarborough;</b> (Identical to H 00965) Election Board Composition					
<b>Tab 6</b>	<b>SB 1052 by Hutson;</b> (Similar to CS/H 07011) Inactive Special Districts					
303710	A	S	RCS	CA, Hutson	Delete L.20 - 26:	01/31 11:58 AM
<b>Tab 7</b>	<b>SB 1058 by Hutson;</b> (Similar to CS/CS/H 07013) Special Districts					
946770	D	S	RCS	CA, Hutson	Delete everything after	01/31 01:04 PM
<b>Tab 8</b>	<b>SB 1136 by Trumbull;</b> (Similar to CS/H 01163) Regulation of Water Resources					
<del>700966</del>	A	S	WD	CA, Trumbull	Delete L.56 - 197:	01/31 11:57 AM
755128	A	S	RCS	CA, Trumbull	Delete L.141 - 197:	01/31 11:57 AM
<b>Tab 9</b>	<b>SB 1530 by Martin;</b> (Similar to H 01365) Unauthorized Public Camping and Public Sleeping					
<b>Tab 10</b>	<b>SB 1628 by Collins;</b> (Identical to H 01547) Local Government Actions					
<b>Tab 11</b>	<b>SB 1684 by Collins;</b> (Similar to H 01375) Property Tax Discount for Disabled Veterans					
322536	D	S	RCS	CA, Collins	Delete everything after	01/31 01:08 PM
<b>Tab 12</b>	<b>SJR 1686 by Collins;</b> (Similar to H 01373) Ad Valorem Tax					
<b>Tab 13</b>	<b>SB 1704 by Yarborough;</b> (Similar to CS/H 01447) Sheriffs in Consolidated Governments					
245696	A	S	RCS	CA, Yarborough	Delete L.23 - 32:	01/31 11:46 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMUNITY AFFAIRS**  
**Senator Calatayud, Chair**  
**Senator Osgood, Vice Chair**

**MEETING DATE:** Monday, January 29, 2024  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** James E. "Jim" King, Jr Committee Room, 401 Senate Building

**MEMBERS:** Senator Calatayud, Chair; Senator Osgood, Vice Chair; Senators Baxley, Berman, Bradley, Brodeur, Martin, and Pizzo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 172</b> Polsky (Similar H 1161)	Verification of Eligibility for Homestead Exemption; Requiring the Department of Revenue to establish an eligibility verification procedure for specified exemptions, etc.  CA 01/29/2024 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
2	<b>CS/SB 612</b> Commerce and Tourism / Hooper (Similar CS/H 481)	Building Construction Regulations and System Warranties; Providing that certain provisions governing the transfer of heating, ventilation, and air- conditioning (HVAC) system manufacturers' warranties apply to transfers made on or after a specified date; prohibiting HVAC system manufacturers' warranties from being conditioned upon the product registration; providing the effective date for certain HVAC system and component warranties under a specified circumstance, etc.  CM 01/16/2024 Fav/CS CA 01/29/2024 Favorable RC	Favorable Yeas 7 Nays 0
3	<b>SB 648</b> DiCeglie (Similar H 377)	License or Permit to Operate a Vehicle for Hire; Providing that a person who holds a license or permit issued by a county or municipality to operate a vehicle for hire may operate a vehicle for hire in any other county or municipality without being subject to certain requirements or fees under certain circumstances; providing an exception for transportation services to and from an airport; defining the term "airport", etc.  TR 01/17/2024 Favorable CA 01/29/2024 Favorable RC	Favorable Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Monday, January 29, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 734</b> Ingoglia (Similar CS/H 735)	Government Accountability; Prohibiting specified individuals from soliciting or accepting anything of value from a foreign country of concern; prohibiting a person from lobbying a county, municipality, or special district unless he or she is registered as a lobbyist; requiring a Commission on Ethics and Public Trust established by a county or municipality or the Commission on Ethics to investigate a lobbyist or principal upon receipt of a sworn complaint containing certain allegations; prohibiting the governing body of a county from renewing or extending the employment contract of a county administrator during a specified timeframe; prohibiting a district school board from renewing or extending the employment contract of a district school superintendent during a specified timeframe, etc.  CA 01/29/2024 Fav/CS EE RC	Fav/CS Yeas 7 Nays 0
5	<b>SB 782</b> Yarborough (Identical H 965)	Election Board Composition; Requiring an election board to include members from certain political parties, etc.  EE 01/16/2024 Favorable CA 01/29/2024 Temporarily Postponed RC	Temporarily Postponed
6	<b>SB 1052</b> Hutson (Similar CS/H 7011)	Inactive Special Districts; Dissolving special districts that have been declared inactive and repealing their enabling laws; dissolving the Sunny Isles Reclamation and Water Control Board and repealing the judicial order establishing the district, etc.  CA 01/29/2024 Fav/CS RC	Fav/CS Yeas 7 Nays 0
7	<b>SB 1058</b> Hutson (Similar CS/CS/H 7013)	Special Districts; Prohibiting the creation of new safe neighborhood improvement districts after a date certain; providing term limits for elected members of governing bodies of independent special districts; requiring continuation of independent special districts that levy ad valorem taxes; providing additional criteria for declaring a special district inactive; requiring special districts to establish performance measures to assess performance, etc.  CA 01/29/2024 Fav/CS RC	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Monday, January 29, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 1136</b> Trumbull (Similar CS/H 1163)	Regulation of Water Resources; Revising the qualification requirements a person must meet in order to take the water well contractor license examination; authorizing certain authorities who have been delegated enforcement powers by water management districts to apply disciplinary guidelines adopted by the districts; prohibiting a person or business entity from advertising water well drilling or construction services in specified circumstances, etc.  EN 01/17/2024 Favorable CA 01/29/2024 Fav/CS RC	Fav/CS Yeas 6 Nays 0
9	<b>SB 1530</b> Martin (Similar H 1365)	Unauthorized Public Camping and Public Sleeping; Prohibiting counties and municipalities, respectively, from permitting public sleeping or public camping on public property without a permit; providing for enforcement actions; providing an exception for declared emergencies, etc.  CA 01/29/2024 Favorable JU RC	Favorable Yeas 4 Nays 3
10	<b>SB 1628</b> Collins (Identical H 1547)	Local Government Actions; Revising applicability provisions for the enactment or adoption of and legal challenges to county and municipal ordinances, respectively; requiring local governments to seek to minimize or eliminate the potential negative impacts of a local government action; authorizing affected entities to submit written requests to the appropriate departments for impact reviews under certain circumstances, etc.  CA 01/29/2024 Temporarily Postponed FP	Temporarily Postponed
11	<b>SB 1684</b> Collins (Similar H 1375, Compare HJR 1373, Linked SJR 1686)	Property Tax Discount for Disabled Veterans; Revising eligibility for a tax discount for certain disabled veterans, etc.  CA 01/29/2024 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
12	<b>SJR 1686</b> Collins (Similar HJR 1373, Compare H 1375, Linked S 1684)	Ad Valorem Tax; Proposing amendments to the State Constitution to revise the requirements for a discount from the amount of ad valorem tax owed on homestead property for certain disabled veterans and to provide an effective date, etc.  CA 01/29/2024 Favorable FT AP	Favorable Yeas 7 Nays 0



**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Monday, January 29, 2024, 1:30—3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	<b>SB 1704</b> Yarborough (Similar CS/H 1447)	Sheriffs in Consolidated Governments; Authorizing sheriffs in a consolidated government, as well as all other sheriffs, to transfer funds after his or her budget is approved by the board of county commissioners, city council, or budget commission, etc.  CA 01/29/2024 Fav/CS CJ RC	Fav/CS Yeas 7 Nays 0

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Other Related Meeting Documents

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 172

INTRODUCER: Community Affairs Committee, Senator Polsky and others

SUBJECT: Verification of Eligibility for Homestead Exemption

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.			FT	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 172 requires the Department of Revenue to create a form with which a property appraiser may verify an individual’s eligibility to receive an exemption related to the applicant’s status as a disabled veteran before the purchase of property.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and

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

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise (FLA. CONST. Art VII, s. 4.). Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965).

exemptions to determine the property's "taxable value."<sup>3</sup> Property tax bills are mailed in November of each year based on the previous January 1 valuation.<sup>4</sup> If a taxpayer furnishes the outstanding taxes within 30 days after the tax collector mailed the tax notice, the taxpayer will receive a 4 percent discount on the total amount of taxes due.<sup>5</sup> The full amount of taxes is due by March 31 of the following year.<sup>6</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes,<sup>7</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>8</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes<sup>9</sup> and limits the Legislature's authority to provide for property valuations at less than just value unless expressly authorized.<sup>10</sup>

### **Homestead Exemptions**

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an exemption from taxes.<sup>11</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>12</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>13</sup>

Every person having a legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>14</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.<sup>15</sup>

### ***Annual Application***

Each person or organization meeting the criteria for an ad valorem tax exemption may claim the exemption if the claimant held legal title to the real or personal property subject to the exemption

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<sup>3</sup> See ss. 192.001(2) and (16), F.S.

<sup>4</sup> See Florida Department of Revenue, Florida Property Tax Calendar, *available at*: <https://floridarevenue.com/property/Documents/taxcalendar.pdf> (last visited Mar. 9, 2023).

<sup>5</sup> See Florida Department of Revenue, Tax Collector Calendar - Property Tax Oversight, *available at*: <https://floridarevenue.com/property/Documents/tccalendar.pdf> (last visited Mar. 9, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> FLA. CONST. art. VII, s. 1(a).

<sup>8</sup> See FLA. CONST. art. VII, s. 4.

<sup>9</sup> FLA. CONST. art. VII, s. 1(a).

<sup>10</sup> See FLA. CONST. art. VII, s. 4.

<sup>11</sup> FLA. CONST. art. VII, s. 6.

<sup>12</sup> FLA. CONST. art. VII, s. 4.

<sup>13</sup> *Id.* at (c).

<sup>14</sup> FLA. CONST. art. VII, s. 6(a).

<sup>15</sup> *Id.*

on January 1.<sup>16</sup> The application for exemption must be filed with the property appraiser on or before March 1, and failure to make an application constitutes a waiver of the exemption for that year. The application must list and describe the property for which the exemption is being claimed and certify the ownership and use of the property. The claimant must reapply for the exemption on an annual basis unless the property appraiser (subject to approval by a vote of the governing body of the county) has waived the annual application requirement for a property after an initial application is made and the exemption granted.<sup>17</sup>

### **Exemption for Veterans with Total and Permanent Service-Connected Disability**

The homestead property of a veteran who was honorably discharged with a service-connected total and permanent disability is exempt from taxation.<sup>18</sup> To qualify for this exemption, the veteran must be a permanent resident of the state on January 1 of the tax year for which exemption is being claimed or must have been a permanent resident of this state on January 1 of the year the veteran died. If the veteran predeceases their spouse, the spouse may continue to receive the exemption as long as the property remains the homestead property of the spouse, and the spouse is unmarried.<sup>19</sup>

A totally and permanently disabled veteran, or his or her surviving spouse, who acquires legal or beneficial title to property between January 1 and November 1, may receive a prorated refund of the ad valorem taxes paid for the newly acquired property as of the date of the property transfer provided they were eligible for and granted the exemption on another homestead property in the previous tax year.<sup>20</sup>

### **Tax Discount on Homestead Property for a Combat-disabled Veteran**

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.<sup>21</sup> The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.<sup>22</sup> The discount is applied as a reduction to the taxable value of the homestead property.<sup>23</sup>

To qualify for the tax discount, the veteran must:

- Be aged 65 or older;
- Be partially or totally disabled with combat-related disabilities; and
- Have received an honorable discharge.<sup>24</sup>

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<sup>16</sup> Section 196.011(1)(a), F.S.

<sup>17</sup> Section 196.011(5) and (9)(a), F.S.

<sup>18</sup> Section 196.081(1), F.S.

<sup>19</sup> Section 196.081(3), F.S.

<sup>20</sup> Section 196.081(1)(b), F.S.

<sup>21</sup> Section 196.082, F.S.

<sup>22</sup> Section 196.082(2), F.S.

<sup>23</sup> Section 196.082(5), F.S.

<sup>24</sup> Section 196.082(1), F.S.

In addition to filing an application with the county tax appraiser for the discount, an eligible veteran must also provide to the tax appraiser by March 1:

- An official letter from the United States Department of Veterans Affairs which includes the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;
- A copy of the veteran's honorable discharge; and
- Proof of age as of January 1 of the year to which the discount will apply.<sup>25</sup>

### **III. Effect of Proposed Changes:**

The bill requires the Department of Revenue (department) to create a form with which a property appraiser may verify an individual's eligibility to receive an ad valorem tax exemption under ss. 196.011, 196.081, 196.082, or 196.091, F.S., related to the applicant's status as a disabled veteran before the purchase of property. The form must indicate that the tentative verification is not binding upon the property appraiser and that the person must comply with annual application requirements. Currently, this is a service which is not required but may be undertaken by local property appraisers at their own discretion.

The bill provides rulemaking authority to the department.

The bill takes effect July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

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<sup>25</sup> Section 196.082(3), F.S.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Revenue may incur costs and administrative burdens implementing this process.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates 196.092 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on January 29, 2024:**

The committee substitute revises the bill to require the Department of Revenue to create a form for use by property appraisers to utilize in verifying eligibility, as opposed to the Department conducting the verification process.

**B. Amendments:**

None.



749472

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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The Committee on Community Affairs (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 15 - 19  
and insert:  
create a form that a county property appraiser may use to  
provide tentative verification of a person's eligibility after  
the purchase of a homestead property to receive an exemption or  
a discount under s. 196.081, s. 196.082, or s. 196.091 and after  
such person submits the forms, documentation, and other proof of  
eligibility required by the property appraiser. The form must



749472

11 indicate that such tentative verification is not binding upon  
12 the county property appraiser and that the person must comply  
13 with the annual application requirements of s. 196.011 and the  
14 requirements of s. 196.081, s. 196.082, or s. 196.091 in order  
15 to receive the exemption or discount authorized under those  
16 provisions.

17  
18 ===== T I T L E   A M E N D M E N T =====

19 And the title is amended as follows:

20       Delete lines 4 - 6

21 and insert:

22       requiring the Department of Revenue to create a  
23       specified form; specifying requirements for such form;



By Senator Polsky

30-00386-24

2024172\_\_

1 A bill to be entitled

2 An act relating to verification of eligibility for  
3 homestead exemption; creating s. 196.092, F.S.;  
4 requiring the Department of Revenue to establish an  
5 eligibility verification procedure for specified  
6 exemptions; requiring the department to adopt rules;  
7 providing an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Section 196.092, Florida Statutes, is created to  
12 read:

13 196.092 Verification of eligibility for certain disabled  
14 veterans and surviving spouses.—The Department of Revenue shall  
15 establish a procedure by which a person may verify his or her  
16 eligibility to receive an exemption or a discount under s.  
17 196.081, s. 196.082, or s. 196.091 before the purchase of  
18 property. The department shall adopt rules to administer this  
19 section.

20 Section 2. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Governmental Oversight and Accountability, *Vice Chair*  
Appropriations  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Criminal Justice  
Environment and Natural Resources  
Ethics and Elections

### SELECT COMMITTEE:

Select Committee on Resiliency

### SENATOR TINA SCOTT POLSKY

30th District

October 17, 2023

Chair Alexis Calatayud  
Committee on Community Affairs  
315 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Calatayud,

I respectfully request that you place SB 172, relating to Verification of Eligibility for Homestead Exemption on the agenda of the Committee on Community Affairs, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Tina S. Polsky".

Senator Tina S. Polsky  
Florida Senate, District 30

cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

#### REPLY TO:

- 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1.27.24

Meeting Date

Comm Stairs

172

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Albert Balido

Phone 888 2513440

Address 201 W Park Ave

Email

Street

Tall FL 32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Fla Assoc of Property Appraisers

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenote.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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**BILL:** CS/SB 612

**INTRODUCER:** Commerce and Tourism Committee and Senator Hooper

**SUBJECT:** Building Construction Regulations and System Warranties

**DATE:** January 26, 2024      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>McKay</u>	<u>CM</u>	<b>Fav/CS</b>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 612 implements the following changes:

- The bill expands the scope of work for specified HVAC system contractors to include specified line-side repairs or replacements and the repair or replacement of specified components for dedicated HVAC circuits with proper use of a circuit breaker lock.
- The bill prohibits the conditioning of an HVAC system warranty on product registration and specifies that the full length of such a warranty’s coverage term begins on the date a licensed contractor installs the system.

The bill provides an effective date of July 1, 2024.

**II. Present Situation:**

**Definitions of Contractor**

Part I of Chapter 489, F.S., pertains to regulation of construction contracting. Section 489.105, F.S., provides the definitions used throughout the part.

“Contractor” means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related

improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term “demolish” applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences.<sup>1</sup>

“Class A air-conditioning contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.<sup>2</sup>

“Class B air-conditioning contractor” means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for

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<sup>1</sup> Section 498.105(3), F.S.

<sup>2</sup> Section 489.105(3)(f), F.S.

disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.<sup>3</sup>

“Mechanical contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. A mechanical contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.<sup>4</sup>

### **HVAC System Contractor Limitations**

An electrical disconnect switch is a switch that isolates all wiring in a home or other structure, or the wiring in a dedicated electrical circuit,<sup>5</sup> from its power source.<sup>6</sup> Electricity to a disconnect switch is fed from the “load side,” or outgoing side, of the power source to the “line side,” or incoming side, of the switch; electricity is then fed from the “load side” of the disconnect switch

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<sup>3</sup> Section 489.105(3)(g), F.S.

<sup>4</sup> Section 489.105(3)(i), F.S.

<sup>5</sup> A “dedicated electrical circuit” has its own circuit breaker and supports a single outlet; thus, only one electrically powered device can draw power from that circuit at any given time. Harrison Electric, Inc. *Dedicated Circuits: What They Are & How to Determine If You Need Them*, (August 16, 2021), available at <https://harrison-electric.com/Blog/entryid/243/dedicated-circuits-what-they-are-how-to-determine-if-you-need-them> (last visited Jan. 24, 2024).

<sup>6</sup> Power will flow to the breaker so long as the power source is operational, but power will only flow from the breaker through the structure if the disconnect switch is flipped to the “on” position. This is what is meant by “isolate.” American Electrical, Inc., *Switching to Safety: Exploring the Importance of Disconnect Switches in Electrical Systems*, (Jun. 24, 2023), available at <https://www.linkedin.com/pulse/switching-safety-exploring-importance-disconnect/> (last visited Jan. 24, 2024).

to the “line side” of the device to be powered.<sup>7</sup> The components of an electrical circuit, including an electrical disconnect switch, are rated for a maximum flow of electrical current, measured in amperes; the higher the ampere rating, the more continuous electrical current an electrical circuit can handle without the risk of component deterioration or overheating.<sup>8</sup>

An HVAC unit must have a dedicated electrical disconnect switch, which switch must be located within sight of and be readily accessible from the HVAC unit.<sup>9</sup> Electricity runs from the power source to the dedicated HVAC electrical disconnect switch through the switch’s “line side,” and from the switch’s “load side” to the HVAC unit.

Under Florida law, only a licensed electrical contractor may perform “line side” work on the dedicated HVAC electrical disconnect switch.<sup>10</sup> Thus, HVAC system contractors, whether they are class A, class B, or mechanical, are currently prohibited from replacing, disconnecting, or reconnecting power wiring on the line side of the dedicated HVAC disconnect switch or from repairing or replacing power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits. However, the Building Code requires that HVAC units and components thereof be installed in compliance with the amperage requirements of the unit or component.<sup>11</sup> Thus, where components of a home or structure’s existing electrical circuit cannot handle the ampere requirements of the new or repaired HVAC unit, a licensed electrical contractor is generally needed to upgrade the insufficient components before the HVAC contractor may safely turn on the new or repaired HVAC unit.

### **HVAC System Warranties**

A warranty is an assurance that a manufacturer or seller makes about the condition of its product.<sup>12</sup> A warranty means that a manufacturer or seller will replace or repair the product under certain instances. A warranty can be either express or implied.<sup>13</sup>

An express warranty is a verbal or written assurance for the product.<sup>14</sup> On the other hand, an implied warranty is an unstated assurance that the product is made for its intended purpose.<sup>15</sup> An implied warranty is in addition to an express warranty. However, an implied warranty may be negated or limited by an express warranty. There is no implied warranty if a seller states that the product is “as is,” “with all faults,” or similar language.<sup>16</sup>

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<sup>7</sup> Barbara Bellesi Zito, *Line vs. Load Wire: What’s the Difference*, (May 5, 2023), available at <https://www.angi.com/articles/line-vs-load-wire.htm> (last visited January 24, 2024).

<sup>8</sup> Dave Robbs, *What are Amps, Watts, Volts, and Ohms, How Stuff Works*, (October 3, 2022), available at <https://science.howstuffworks.com/environmental/energy/question501.htm> (last visited January 24, 2024).

<sup>9</sup> Section 301.10, Florida Building Code (7th Ed. 2020); s. 440.14 of NFPA 70, National Electrical Code (2023 ed.).

<sup>10</sup> Section 489.505(12), F.S.

<sup>11</sup> Section 301.10, Florida Building Code (7th Ed. 2020); s. 440.14 of NFPA 70, National Electrical Code (2023 ed.).

<sup>12</sup> Will Kenton, *Warranty Definition, Types, Example, and How It Works*, Investopedia, (November 24, 2022), available at <https://www.investopedia.com/terms/w/warranty.asp> (last visited January 24, 2024).

<sup>13</sup> 45 Fla. Jur 2d Sales and Exchanges of Goods § 156.

<sup>14</sup> “An express warranty is created by an affirmation of fact or promise made by the seller to the buyer that relates to the goods, by any description of the goods that is made part of the basis of the bargain, or by any sample or model that is made part of the basis of the bargain.” Section 672.313, F.S.

<sup>15</sup> Section 672.314, F.S.

<sup>16</sup> Section 672.316, F.S.

A manufacturer warranty attaches to the purchase of the product by the manufacturer. A manufacturer warranty is considered a limited warranty because the warranty is only valid for a certain time period after the purchase. These terms and conditions are created by the manufacturer. Once the period of coverage is over, someone can purchase an extended warranty under different coverage terms to extend the protection of the product beyond the terms and conditions laid out in the manufacturer warranty.<sup>17</sup>

### ***Magnuson-Moss Warranty Act***

The Magnuson-Moss Warranty Act (MMWA)<sup>18</sup> is a federal law that governs consumer product warranties. Passed in 1975, the Act requires manufacturers and sellers of consumer products to provide consumers with detailed information about warranty coverage before and after the sale of the warranted product.<sup>19</sup>

The MMWA defines three kinds of consumers:

- A buyer of any consumer product.
- Any person to whom such product is transferred during the duration of an implied or express warranty applicable to the product.
- Any other person who is entitled by the terms of such warranty or under applicable State law to enforce the obligations of the warranty.<sup>20</sup>

### ***Manufacturer Warranties for HVAC Systems in Florida***

Most manufacturers require that an HVAC contractor purchase and install the HVAC system before the consumer can register the HVAC system for the limited manufacturer warranty. Generally, manufacturers provide a warranty for the HVAC system for 5 to 10 years. The warranty covers parts that might fail such as the air compressor or furnace heat exchanger. The manufacturer will replace or repair any parts at no cost if the parts are covered under the warranty.<sup>21</sup>

Before July 1, 2023, if a building or house that contained an HVAC system with a manufacturer warranty was sold to another person, the warranty time could be cut short or not transfer to the new owner. The assignment of the HVAC warranty to the new owner was contingent upon the terms and conditions for the warranty. In Florida, most manufacturer warranties are tied to a person instead of the property. Usually, the manufacturer warranty is tied to the original owner

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<sup>17</sup> Tom Scott, *Extended Warranties vs. Manufacturer Warranties: What's the Difference?*, Fortegra, (July 9, 2019), available at <https://blog.fortegra.com/extended-warranties-vs.-manufacturer-warranties-whats-the-difference> (last visited January 24, 2024).

<sup>18</sup> 15 U.S.C. §§ 2301-2312 (1975).

<sup>19</sup> MMWA does not apply if a seller or manufacturer does not provide a warranty on their product. Jason Gordon, *Magnuson Moss Warranty Act – Explained*, The Business Professor, (September 26, 2021), available at [https://thebusinessprofessor.com/en\\_US/consumer-law/magnuson-moss-warranty-act](https://thebusinessprofessor.com/en_US/consumer-law/magnuson-moss-warranty-act) (last visited January 24, 2024).

<sup>20</sup> *O'Connor v. BMW of N. Am., LLC*, 905 So. 2d 235, 236–37 (Fla. 2d DCA 2005); see also, § 2310(d) of MMMWA provides that, “a consumer who is damaged by the failure of a supplier, warrantor, or service contractor to comply with any obligation under this title, or under a written warranty, implied warranty, or service contract, may bring suit for damages...”.

<sup>21</sup> Bryan Carnahan, *HVAC Warranties and You: What Are They, and Why Should You Register Your Product?*, Fire & Ice Heating and Air Conditioning, Inc., (July 1, 2022), available at <https://indoortemp.com/resources/hvac-warranties-and-product-registration> (last visited January 24, 2024).



and does not transfer when the property is sold unless the previous owner transfers it to the new owner if that is an option in the warranty.

However, in 2023, the Florida Legislature enacted Chapter 2023-288, Laws of Florida, which, in pertinent part, provided that an HVAC manufacturer’s warranty on a system that is a fixture to the property runs with the property, not with the original purchaser; thus, in the sale of a residential property, the manufacturer’s warranty automatically passes to the new owner.<sup>22</sup> Further, the law specifies that:

- The warranty continues in effect as if the new owner were the original purchaser of the covered system or component;
- A warrantor continues to be obligated under the terms of a manufacturer’s warranty agreement for a warranty so transferred and may not charge a fee for such transfer;<sup>23</sup> and
- Such a transfer does not extend the remaining time of the warranty’s coverage period.<sup>24</sup>

Before July 1, 2023, an HVAC system manufacturer could refuse to honor the terms of an HVAC system warranty if the purchaser of the HVAC system or a component covered by the warranty did not register the warranty with the manufacturer. Pursuant to the law enacted in 2023, a manufacturer’s HVAC warranty is deemed registered with the manufacturer if a contractor licensed under Part I of Ch. 489, F.S.:

- Installs the new HVAC system; and
- Provides the manufacturer with the date of issuance of the certificate of occupancy for installations relating to new construction, or the serial number of the HVAC system for installations relating to existing construction, as applicable.<sup>25</sup>

Such a contractor must document the installation through an invoice or a receipt and give the invoice or receipt to the customer.<sup>26</sup>

### III. Effect of Proposed Changes:

**Section 1** amends the definition of “Class A air-conditioning contractor,” “Class B air-conditioning contractor,” and “mechanical contractor” to allow them to replace, disconnect, or reconnect power wiring on the *line or* load side of the dedicated existing electrical disconnect switch *on single-phase electrical systems*, and to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.

**Section 2** amends s. 559.956, F.S., to remove language:

- Indicating that an HVAC system manufacturer’s warranty is deemed registered if a licensed contractor installs the new HVAC system and provides the manufacturer with the date of issuance of the certificate of occupancy for installations relating to new construction or the serial number of the HVAC system for installations relating to existing construction.
- Requiring a licensed contractor who installs a new HVAC system to document the installation through an invoice or receipt and provide the invoice or receipt to the customer.

<sup>22</sup> Section 559.956(1), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 559.956(2), F.S.

<sup>25</sup> Section 559.956(4), F.S.

<sup>26</sup> Section 559.956(5), F.S.

**Section 3** creates s. 559.957, F.S., to specify that the full length of a manufacturer's, distributor's, or retailer's HVAC system or system component warranty is effective in Florida on the date of installation if installed by a contractor licensed under Part I of Ch. 48, F.S. Under this new section created by the bill, if an HVAC system or system component manufacturer, distributor, or retailer provides a warranty or product registration card form, or an electronic, online warrant or product registration form, the card or form must contain the following information, which information must be displayed in a clear and conspicuous manner:

- The card or form is for the product registration.
- Failure to complete and return the card or form does not diminish any warranty rights or decrease the warranty length.
- Any offered manufacturer's, distributor's, or retailer's HVAC system or system component warranty may not be in any way conditioned upon the product registration.

Relatedly, the bill amends s. 559.956, F.S., to specify that an HVAC system manufacturer's warranty may not be in any way conditioned upon product registration. This provision applies if:

- A sale of a residential property that includes an HVAC system as a fixture occurs on or after July 1, 2024; and
- A manufacturer's warranty is still in effect on the HVAC system or a system component.

**Section 4** specifies an effective date of July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 489.105, 559.956, 559.957.

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

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

**CS by Commerce and Tourism on January 16, 2024:**

The committee substitute removes the provision authorizing an attorney fee award to the prevailing party in a Building Code or Accessibility Code interpretation challenge. It also clarifies that an HVAC contractor authorized by the bill can perform specified work on the line side of the dedicated existing electrical disconnect switch on a single-phase electrical system, and to repair or replace specified components for dedicated HVAC circuits with proper use of a circuit breaker lock.

**B. Amendments:**

None.

By the Committee on Commerce and Tourism; and Senator Hooper

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1                   A bill to be entitled  
2           An act relating to building construction regulations  
3           and system warranties; amending s. 489.105, F.S.;  
4           revising definitions; amending s. 559.956, F.S.;  
5           providing that certain provisions governing the  
6           transfer of heating, ventilation, and air-conditioning  
7           (HVAC) system manufacturers' warranties apply to  
8           transfers made on or after a specified date;  
9           prohibiting HVAC system manufacturers' warranties from  
10          being conditioned upon the product registration;  
11          providing applicability; removing provisions relating  
12          to an HVAC system manufacturer's warranty  
13          registration; creating s. 559.957, F.S.; providing the  
14          effective date for certain HVAC system and component  
15          warranties under a specified circumstance; providing  
16          required information for warranty and product  
17          registration cards and forms; prohibiting HVAC system  
18          and component warranties from being conditioned upon  
19          product registration; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Paragraphs (f), (g), and (i) of subsection (3)  
24 of section 489.105, Florida Statutes, are amended to read:

25           489.105 Definitions.—As used in this part:

26           (3) "Contractor" means the person who is qualified for, and  
27 is only responsible for, the project contracted for and means,  
28 except as exempted in this part, the person who, for  
29 compensation, undertakes to, submits a bid to, or does himself

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30 or herself or by others construct, repair, alter, remodel, add  
31 to, demolish, subtract from, or improve any building or  
32 structure, including related improvements to real estate, for  
33 others or for resale to others; and whose job scope is  
34 substantially similar to the job scope described in one of the  
35 paragraphs of this subsection. For the purposes of regulation  
36 under this part, the term "demolish" applies only to demolition  
37 of steel tanks more than 50 feet in height; towers more than 50  
38 feet in height; other structures more than 50 feet in height;  
39 and all buildings or residences. Contractors are subdivided into  
40 two divisions, Division I, consisting of those contractors  
41 defined in paragraphs (a)-(c), and Division II, consisting of  
42 those contractors defined in paragraphs (d)-(q):

43 (f) "Class A air-conditioning contractor" means a  
44 contractor whose services are unlimited in the execution of  
45 contracts requiring the experience, knowledge, and skill to  
46 install, maintain, repair, fabricate, alter, extend, or design,  
47 if not prohibited by law, central air-conditioning,  
48 refrigeration, heating, and ventilating systems, including duct  
49 work in connection with a complete system if such duct work is  
50 performed by the contractor as necessary to complete an air-  
51 distribution system, boiler and unfired pressure vessel systems,  
52 and all appurtenances, apparatus, or equipment used in  
53 connection therewith, and any duct cleaning and equipment  
54 sanitizing that requires at least a partial disassembling of the  
55 system; to install, maintain, repair, fabricate, alter, extend,  
56 or design, if not prohibited by law, piping, insulation of  
57 pipes, vessels and ducts, pressure and process piping, and  
58 pneumatic control piping; to replace, disconnect, or reconnect

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59 power wiring on the line or load side of the dedicated existing  
60 electrical disconnect switch on single-phase electrical systems;  
61 to repair or replace power wiring, disconnects, breakers, or  
62 fuses for dedicated heating, ventilating, and air-conditioning  
63 (HVAC) circuits with proper use of a circuit breaker lock; to  
64 install, disconnect, and reconnect low voltage heating,  
65 ventilating, and air-conditioning control wiring; and to install  
66 a condensate drain from an air-conditioning unit to an existing  
67 safe waste or other approved disposal other than a direct  
68 connection to a sanitary system. The scope of work for such  
69 contractor also includes any excavation work incidental thereto,  
70 but does not include any work such as liquefied petroleum or  
71 natural gas fuel lines within buildings, except for  
72 disconnecting or reconnecting changeouts of liquefied petroleum  
73 or natural gas appliances within buildings; potable water lines  
74 or connections thereto; sanitary sewer lines; swimming pool  
75 piping and filters; or electrical power wiring. A Class A air-  
76 conditioning contractor may test and evaluate central air-  
77 conditioning, refrigeration, heating, and ventilating systems,  
78 including duct work; however, a mandatory licensing requirement  
79 is not established for the performance of these specific  
80 services.

81 (g) "Class B air-conditioning contractor" means a  
82 contractor whose services are limited to 25 tons of cooling and  
83 500,000 Btu of heating in any one system in the execution of  
84 contracts requiring the experience, knowledge, and skill to  
85 install, maintain, repair, fabricate, alter, extend, or design,  
86 if not prohibited by law, central air-conditioning,  
87 refrigeration, heating, and ventilating systems, including duct

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88 work in connection with a complete system only to the extent  
89 such duct work is performed by the contractor as necessary to  
90 complete an air-distribution system being installed under this  
91 classification, and any duct cleaning and equipment sanitizing  
92 that requires at least a partial disassembling of the system; to  
93 install, maintain, repair, fabricate, alter, extend, or design,  
94 if not prohibited by law, piping and insulation of pipes,  
95 vessels, and ducts; to replace, disconnect, or reconnect power  
96 wiring on the line or load side of the dedicated existing  
97 electrical disconnect switch on single-phase electrical systems;  
98 to repair or replace power wiring, disconnects, breakers, or  
99 fuses for dedicated HVAC circuits with proper use of a circuit  
100 breaker lock; to install, disconnect, and reconnect low voltage  
101 heating, ventilating, and air-conditioning control wiring; and  
102 to install a condensate drain from an air-conditioning unit to  
103 an existing safe waste or other approved disposal other than a  
104 direct connection to a sanitary system. The scope of work for  
105 such contractor also includes any excavation work incidental  
106 thereto, but does not include any work such as liquefied  
107 petroleum or natural gas fuel lines within buildings, except for  
108 disconnecting or reconnecting changeouts of liquefied petroleum  
109 or natural gas appliances within buildings; potable water lines  
110 or connections thereto; sanitary sewer lines; swimming pool  
111 piping and filters; or electrical power wiring. A Class B air-  
112 conditioning contractor may test and evaluate central air-  
113 conditioning, refrigeration, heating, and ventilating systems,  
114 including duct work; however, a mandatory licensing requirement  
115 is not established for the performance of these specific  
116 services.

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117 (i) "Mechanical contractor" means a contractor whose  
118 services are unlimited in the execution of contracts requiring  
119 the experience, knowledge, and skill to install, maintain,  
120 repair, fabricate, alter, extend, or design, if not prohibited  
121 by law, central air-conditioning, refrigeration, heating, and  
122 ventilating systems, including duct work in connection with a  
123 complete system if such duct work is performed by the contractor  
124 as necessary to complete an air-distribution system, boiler and  
125 unfired pressure vessel systems, lift station equipment and  
126 piping, and all appurtenances, apparatus, or equipment used in  
127 connection therewith, and any duct cleaning and equipment  
128 sanitizing that requires at least a partial disassembling of the  
129 system; to install, maintain, repair, fabricate, alter, extend,  
130 or design, if not prohibited by law, piping, insulation of  
131 pipes, vessels and ducts, pressure and process piping, pneumatic  
132 control piping, gasoline tanks and pump installations and piping  
133 for same, standpipes, air piping, vacuum line piping, oxygen  
134 lines, nitrous oxide piping, ink and chemical lines, fuel  
135 transmission lines, liquefied petroleum gas lines within  
136 buildings, and natural gas fuel lines within buildings; to  
137 replace, disconnect, or reconnect power wiring on the line or  
138 load side of the dedicated existing electrical disconnect switch  
139 on single-phase electrical systems; to repair or replace power  
140 wiring, disconnects, breakers, or fuses for dedicated HVAC  
141 circuits with proper use of a circuit breaker lock; to install,  
142 disconnect, and reconnect low voltage heating, ventilating, and  
143 air-conditioning control wiring; and to install a condensate  
144 drain from an air-conditioning unit to an existing safe waste or  
145 other approved disposal other than a direct connection to a



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146 sanitary system. The scope of work for such contractor also  
147 includes any excavation work incidental thereto, but does not  
148 include any work such as potable water lines or connections  
149 thereto, sanitary sewer lines, swimming pool piping and filters,  
150 or electrical power wiring. A mechanical contractor may test and  
151 evaluate central air-conditioning, refrigeration, heating, and  
152 ventilating systems, including duct work; however, a mandatory  
153 licensing requirement is not established for the performance of  
154 these specific services.

155 Section 2. Section 559.956, Florida Statutes, is amended to  
156 read:

157 559.956 ~~Registrations and~~ Transfers of heating,  
158 ventilation, and air-conditioning system manufacturer  
159 warranties; ~~required contractor documentation.~~

160 (1) If a residential real property that includes a heating,  
161 ventilation, and air-conditioning (HVAC) system as a fixture to  
162 the property is conveyed to a new owner on or after July 1,  
163 2024, a manufacturer's warranty in effect on that system or a  
164 component of that system:

165 (a) Is automatically transferred to the new owner; and

166 (b) Continues in effect as if the new owner was the  
167 original purchaser of such system or component, as applicable.

168 (2) A warrantor continues to be obligated under the terms  
169 of a manufacturer's warranty agreement for a warranty  
170 transferred under this section and may not charge a fee for the  
171 transfer of the warranty.

172 (3) The transfer of a manufacturer's warranty under this  
173 section does not extend the remaining term of the warranty.

174 (4) A manufacturer's warranty of an HVAC system or a

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175 component of the system may not be in any way conditioned upon  
176 the product registration.

177 (5) This section applies if:

178 (a) A sale of a residential property that includes an HVAC  
179 system as a fixture to the property occurs on or after July 1,  
180 2024.

181 (b) A manufacturer's warranty is still in effect on the  
182 HVAC system or a component of the system. A manufacturer's  
183 warranty for an HVAC system is deemed registered with the  
184 manufacturer if a contractor licensed under part I of chapter  
185 489:

186 ~~(a) Installs the new HVAC system; and~~

187 ~~(b) Provides the manufacturer of the HVAC system with the~~  
188 ~~date of the issuance of the certificate of occupancy for~~  
189 ~~installations relating to new construction, or the serial number~~  
190 ~~of the HVAC system for installations relating to existing~~  
191 ~~construction, as applicable.~~

192 ~~(5) A contractor licensed under part I of chapter 489 who~~  
193 ~~installs a new HVAC system must document the installation~~  
194 ~~through an invoice or a receipt and provide the invoice or~~  
195 ~~receipt to the customer.~~

196 Section 3. Section 559.957, Florida Statutes, is created to  
197 read:

198 559.957 Registration of heating, ventilation, and air-  
199 conditioning systems; prohibition against warranty conditioned  
200 upon registration.-

201 (1) The full length of a manufacturer's, distributor's, or  
202 retailer's warranty of a heating, ventilation, and air-  
203 conditioning (HVAC) system or any component of the system is

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204 effective in this state on the date of installation if installed  
205 by a contractor licensed under part I of chapter 489.

206 (2) If a manufacturer, distributor, or retailer of an HVAC  
207 system or any component of the system provides a warranty or  
208 product registration card or form, or an electronic, online  
209 warranty or product registration form, the card or form must  
210 contain the following information displayed in a clear and  
211 conspicuous manner:

212 (a) The card or form is for the product registration.

213 (b) Failure to complete and return the card or form does  
214 not diminish any warranty rights or decrease the warranty  
215 length.

216 (3) Any offered manufacturer's, distributor's, or  
217 retailer's warranty of an HVAC system or a component of the  
218 system may not be in any way conditioned upon the product  
219 registration.

220 Section 4. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 8, 2024

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I respectfully request that **Senate Bill #612**, relating to Building Construction Regulations and System Warranties, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper  
Florida Senate, District 21

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/29/24

Meeting Date

612

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Edward Briggs

Phone

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL Rebridgement + Air Conditioning Contractors, Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/29/24

Meeting Date

612

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Theresa King

Phone 850-228-8940

Address

Email

Street

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:

FL Building & Construction Trades



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 648

INTRODUCER: Senator DiCeglie

SUBJECT: License or Permit to Operate a Vehicle for Hire

DATE: January 26, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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## I. Summary:

SB 648 relates to the licensing or permitting of a vehicle-for-hire. Specifically, the bill:

- Prohibits a county or municipality from requiring a person to obtain an additional license from such county or municipality when that person holds a valid, active license or permit to operate a vehicle for-hire in any other county or municipality if the person:
  - Holds a valid, active license or permit to operate a vehicle-for-hire in the county or municipality in which the person permanently resides.
  - Has not had a license or permit to operate a vehicle for hire suspended or revoked within the preceding five years.
- Exempts public-use airports from the requirements of the bill.
- Provides that certain persons who hold a valid, active license or permit to operate a vehicle-for-hire are exempted from the bill when such person provides transportation of persons:
  - While on stretchers or wheelchairs, or
  - Whose handicap, illness, other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle-for-hire.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Local Licensing of For-Hire Vehicles

With specified exceptions,<sup>1</sup> offering for lease or rent any motor vehicle or offering passenger transportation in exchange for compensation qualifies the vehicle as a “for-hire vehicle.”<sup>2</sup> A for-

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<sup>1</sup> Section 320.01(15)(b), F.S.

<sup>2</sup> Section 320.01(15)(a), F.S.

hire vehicle does not include a transportation network companies like Uber or Lyft, the regulation of which is expressly preempted to the state.<sup>3</sup>

Counties are specifically authorized to license and regulate taxis, jitneys, limousines, rental cars, and other passenger vehicles for-hire operating in the unincorporated areas of the county.<sup>4</sup>

Municipalities have broad home rule powers authorizing them to enact legislation concerning any subject matter upon which the Legislature may act, except:

- The subjects of annexation, merger, and exercise of extraterritorial power, which require a general or special law;
- Any subject expressly prohibited by the constitution;
- Any subject expressly preempted to state or county government by the constitution or by general law; or
- Any subject preempted to a county pursuant to a county charter.<sup>5</sup>

A municipality may impose reasonable regulatory fees, proportionate with the cost of the regulatory activity.<sup>6</sup>

Various counties and municipalities differ on if and when vehicles-for-hire are regulated and their specific regulations. For example, Miami-Dade County's Passenger Transportation Regulatory Division regulates for-hire chauffeurs and vehicles such as taxicabs, limousines, passenger motor carriers, including jitneys and tour vans. The county charges various inspection fees, an annual license fee, licensees are subject to the Local Business Tax Receipt<sup>7</sup>

As another example, Hillsborough County requires any person engaged in the business of operating vehicles for-hire in the County to obtain a public vehicle driver's license from the Hillsborough County Tax Collector, in addition to a valid certificate for the operator and a valid permit for the vehicle after passing a safety and mechanical inspection. Vehicles 10 years of age or older require additional inspections.<sup>8</sup>

## Preemption

Section 163.211, F.S., expressly preempts to the state the licensing of occupations and s. 163.211, F.S., supersedes any local government licensing requirement for occupations, with the exception of:

- Any local government that imposed licenses on occupations before January 1, 2021. However, any such local government licensing of occupations expires on July 1, 2024.
- Any local government licensing of occupations authorized by general law.<sup>9</sup>

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<sup>3</sup> See Section 627.748(17)(a), F.S.

<sup>4</sup> Section 125.01(1)(n), F.S.

<sup>5</sup> Section 166.021(3), F.S.

<sup>6</sup> Section 166.221, F.S.

<sup>7</sup> Miami-Dade County, Transportation and Public Work, *For-Hire Transportation*,

[https://www.miamidade.gov/global/service.page?Mduid\\_service=ser1498077559199786](https://www.miamidade.gov/global/service.page?Mduid_service=ser1498077559199786) (last visited Dec. 13, 2023.)

<sup>8</sup> Hillsborough County Tax Collectors Office, Ordinance 17-22 –Vehicle for Hire Ordinance, <https://www.hillstax.org/other-services/vehicle-for-hire/ordinance-information/> (Last visited Jan. 24, 2024).

<sup>9</sup> Section 163.211(2), F.S.



## Airports

Section 332.004(14), F.S., defines the term “public-use airport” to mean any publicly owned airport which is used or to be used for public purposes.

Some airports or airport authorities require vehicles-for-hire to obtain a permit to operate, which may be issued by the county, municipality, or airport authority. For example, Orlando International Airport requires vehicles for hire to have:

- A valid, current driver’s permit issued by the City of Orlando,
- A vehicle permit decal issued by the Orlando International Airport displayed on the vehicle at all times, and
- A vehicle-for-hire permit decal issued by the City of Orlando displayed on the vehicle at all times.<sup>10</sup>

The Fort Lauderdale-Hollywood International Airport requires persons that operate a vehicle for hire to first register with and obtain a permit from the Environmental and Consumer Protection Division of Broward County. Then, persons with a permit to operate a vehicle for hire must apply for a decal permit from the Broward County Aviation Department.<sup>11</sup>

On the other hand, some airport authorities issue a separate permit for vehicles-for-hire for transporting passengers at the airport. For example, the Orlando Sanford International Airport requires a vehicle for hire to obtain an airport-issued ground transportation prearranged permit. This includes a ground transportation agreement, which excludes taxicabs.<sup>12</sup>

### III. Effect of Proposed Changes:

The bill creates s. 320.0603, F.S., providing an exception from certain local licensing requirements to a person who holds a valid, active license or permit issued by a county or municipality to operate a vehicle for-hire. Such person may operate a vehicle-for-hire without being subject to additional licensing or permitting requirements and without paying additional fees if the person:

- Holds a valid, active license or permit to operate a vehicle-for-hire in the county or municipality in which the person is domiciled.
- Has not had a license or permit to operate a vehicle-for-hire suspended or revoked within the preceding five years.

The above provisions do not apply to transportation services to or from an airport. The bill defines the term “airport” to include an airport, airport authority, aviation authority, or other entity, including a county, municipality, or special district that operates a public-use airport.

<sup>10</sup> Greater Orlando Aviation Authority, Vehicle-For-Hire (VFH): V-Permit Holders and Drivers Handbook p. 5, Orlando International Airport, <https://orlandoairports.net/site/uploads/VFH-Handbook.pdf> (last visited Jan. 24, 2024).

<sup>11</sup> *Operational Guidelines for Ground Transportation at Fort Lauderdale-Hollywood International Airport*, p. 5, Broward County Board of County Commissioners (Aug. 17, 2021), <https://www.broward.org/Airport/Business/about/Documents/Operationalguidelinesforgroundtransportationservices01.pdf> (last visited Jan. 24, 2024).

<sup>12</sup> Orlando-Sanford International Airport, *2023 Ground Transportation Pre-Arranged Permit*, <https://web1.osaa.net/GTX/docs/GT-Permit-2023-for-Website.pdf> (last visited Jan. 24, 2024).

The bill stipulates that it does not grant specific authority to counties, municipalities, or special districts to regulate or license vehicle-for-hire which is required by s. 163.211, F.S.

Furthermore, the bill provides that the reciprocity under certain circumstances *does not apply* to a person who holds a valid, active license or permit to operate a vehicle when such person provides transportation of persons:

- While on stretchers or wheelchairs, or
- Whose handicap, illness, other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle-for-hire.

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

There may be an indeterminate positive economic impact on the vehicle-for-hire industry due to not being required to obtain multiple licenses or permits to operate a vehicle-for-hire in multiple jurisdictions

**C. Government Sector Impact:**

Counties and municipalities may experience a reduction in revenue associated with vehicles-for-hire operating in multiple municipalities or counties only being subject to licensing or permitting in one jurisdiction. However, the impact is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.0603 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By Senator DiCeglie

18-00703A-24

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1                   A bill to be entitled  
2           An act relating to a license or permit to operate a  
3           vehicle for hire; creating s. 320.0603, F.S.;  
4           providing that a person who holds a license or permit  
5           issued by a county or municipality to operate a  
6           vehicle for hire may operate a vehicle for hire in any  
7           other county or municipality without being subject to  
8           certain requirements or fees under certain  
9           circumstances; providing an exception for  
10          transportation services to and from an airport;  
11          defining the term "airport"; providing construction  
12          and applicability; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Section 320.0603, Florida Statutes, is created  
17 to read:

18           320.0603 Vehicle-for-hire license or permit; reciprocity.-

19           (1) A person who holds a valid, active license or permit  
20 issued by a county or municipality to operate a vehicle for hire  
21 may operate a vehicle for hire in any other county or  
22 municipality without being subject to additional licensing or  
23 permitting requirements and without paying additional license or  
24 permit fees if the following conditions are met:

25           (a) The person holds a valid, active license or permit to  
26 operate a vehicle for hire in the county or municipality in  
27 which the person is domiciled.

28           (b) The person has not had a license or permit to operate a  
29 vehicle for hire suspended or revoked within the preceding 5

18-00703A-24

2024648\_\_

30 years.

31 (2) Notwithstanding subsection (1) or subsection (3), this  
32 section does not apply to transportation services to and from an  
33 airport. For purposes of this subsection, the term "airport"  
34 includes an airport, airport authority, aviation authority, or  
35 other entity, including a county, municipality, or special  
36 district that operates a public-use airport as defined in s.  
37 332.004.

38 (3) This section does not grant specific authority to  
39 counties, municipalities, or special districts to regulate or  
40 license vehicles for hire which is required by s. 163.211.

41 (4) This section does not apply to a person who holds a  
42 valid, active license or permit to operate a vehicle for hire  
43 when such person provides transportation of persons while on  
44 stretchers or wheelchairs, or transportation of persons whose  
45 disability, illness, injury, or other incapacitation makes it  
46 impractical to be transported by a regular common carrier such  
47 as a bus, taxi, non-taxi, limousine, or other vehicle for hire.

48 Section 2. This act shall take effect July 1, 2024.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 734

INTRODUCER: Community Affairs and Senator Ingoglia

SUBJECT: Government Accountability

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.	_____	_____	EE	_____
3.	_____	_____	RC	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 734 makes various changes related to ethics regulations on local governments.

Specifically, the bill:

- Prohibits certain state and local officials from soliciting or accepting anything of value from a foreign country of concern;
- Establishes requirements for lobbyist registration for individuals lobbying local governments; and
- Provides that certain local government employee contracts shall not be renewed, extended, or renegotiated within 8 months of a general election for members of the applicable governing body.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Commission on Ethics**

The Commission on Ethics (Commission) was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.<sup>1</sup> The

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<sup>1</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1., available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited Mar. 30, 2023); see also s. 112.320, F.S.

Florida Constitution and state law designate the Commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.<sup>2</sup> Constitutional duties of the Commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.<sup>3</sup> In addition to constitutional duties, the Commission, in part:

- Renders advisory opinions to public officials;<sup>4</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;<sup>5</sup>
- Administers the Executive Branch Lobbying Registration and Reporting Law;<sup>6</sup>
- Maintains financial disclosure filings of constitutional officers and state officers and employees;<sup>7</sup> and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.<sup>8</sup>

### **Code of Ethics for Public Officers and Employees**

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>9</sup> establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially, not using their officers for private gain other than compensation provided by law.<sup>10</sup> The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.<sup>11</sup>

### ***Gifts and Contracts***

Public officers, state agency employees, local government attorneys, and candidates for office are prohibited from soliciting or accepting anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon the understanding that their vote, official action, or judgment would be influenced.<sup>12</sup> A state agency, political subdivision, or public school authorized to expend state-appropriated funds or levy ad valorem taxes may not participate in any agreement with or accept any grant from a foreign country of concern, or any entity controlled by a foreign country of concern which:

- Constrains the freedom of contract of such public entity;
- Allows the curriculum or values of a program in the state to be directed or controlled by the foreign country of concern; or

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<sup>2</sup> Section (8)(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

<sup>3</sup> Section (8)(g), art. II., Fla. Const.

<sup>4</sup> Section 112.322(3)(a), F.S.

<sup>5</sup> Section 112.322(2)(b), F.S.

<sup>6</sup> Sections 112.3215, 112.32155, F.S.

<sup>7</sup> Section 112.3144, F.S.

<sup>8</sup> Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.

<sup>9</sup> See pt. III. Ch. 112, F.S.

<sup>10</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1., available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited Mar. 30, 2023)

<sup>11</sup> See pt. III. 112, F.S.

<sup>12</sup> Section 112.313(2), F.S.

- Promotes an agenda detrimental to the safety or security of the United States or its residents.<sup>13</sup>

A “foreign country of concern” is defined as the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of those nations.<sup>14</sup>

### **Lobbyist Registration and Compensation Reporting**

Lobbyist must register to lobby the executive branch or the legislative branch in Florida. Executive branch lobbying is regulated by the Code of Ethics and administered by the Commission.<sup>15</sup> Legislative branch lobbying is regulated primarily by Joint Rule of the House and Senate and administered by the Office of Legislative Services.<sup>16</sup> Both registration systems require lobbyists to register annually for each principal represented and to indicate the entities to be lobbied.<sup>17</sup> In addition, lobbying firms must file quarterly compensation reports.<sup>18</sup> Both the Commission and the Legislature have instituted electronic registration and compensation reporting.<sup>19</sup> Executive branch lobbyists, however, must supply a written oath to complete each registration as well as a signed statement of authority from the principal.<sup>20</sup>

State agency employees and employees of legislative and judicial branch entities acting in the normal course of their duties are exempt from executive branch lobbying registration.<sup>21</sup> However, local government officers and employees must register to lobby the state executive branch.

Compensation reporting is subject to random audits, and findings of non-compliance are reported to the Commission, in the case of executive branch lobbying firms, for investigation.<sup>22</sup>

The executive branch lobbyist registration law provides specific procedures for its enforcement.<sup>23</sup> The Commission reports probable cause findings to the Governor and Cabinet for appropriate action, which can include a fine up to \$5,000 and prohibition from lobbying for up to two years.<sup>24</sup> A person accused of violating the lobbyist registration law may also request a hearing within 14 days of the mailing of the probable cause notification.<sup>25</sup>

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<sup>13</sup> Section 288.860(2), F.S.

<sup>14</sup> Section 288.860(1)(a), F.S.

<sup>15</sup> Section 112.3215, F.S.

<sup>16</sup> Section 11.045, F.S. and Joint rule 1.

<sup>17</sup> Section 112.3215(3), F.S.; Joint Rule 1.2.

<sup>18</sup> Section 112.3215(5)(a)1., F.S.; Joint Rule 1.4.

<sup>19</sup> Section 112.32155, F.S.; Joint Rule 1.1(2)(f)

<sup>20</sup> Section 112.3215(3), F.S.

<sup>21</sup> Section 112.3215(1)(h)(2), F.S.

<sup>22</sup> Section 112.3215(8)(c), F.S.

<sup>23</sup> Section 112.3215(8)-(9), F.S.

<sup>24</sup> Section 112.3215(9)-(10), F.S.

<sup>25</sup> Section 112.3215(9), F.S.



## **Local Government Employees**

Local governments have broad authority to contract with or employ personnel for the wide variety of tasks they accomplish. This authority is limited only narrowly by statute, which generally forbids the payment of extra compensation and sets limits on severance pay for all employees of a governmental unit.<sup>26</sup> Severance pay may not exceed 20 weeks' compensation, and must not be granted when the employee has been fired for misconduct.<sup>27</sup>

### ***County Administrator***

Counties are required to employ a county administrator, who acts as the administrative head of the county and is responsible for the administration of all departments of the county government.<sup>28</sup> The county administrator is appointed by a majority of the board of county commissioners, and must reside within the county during their tenure. The board of county commissioners fixes the county administrator's compensation.

### ***School Superintendents***

A school superintendent, the administrative head of a district school board, may be either appointed by the district school board or elected for four-year terms.<sup>29</sup> A district school board must enter into an employment contract with an appointed district school superintendent which provides a reasonable salary not exceeding \$225,000 in total remuneration.<sup>30</sup> These contracts are subject to the provisions of law limiting bonuses and severance pay.<sup>31</sup> An elected superintendent is not an employee, and receives a statutory salary similarly to other elected officials.<sup>32</sup>

### ***Local Government Attorneys and Municipal Chief Executive Officers***

While local governments are not required by law to employ an attorney, and municipalities are not required to employ a chief executive officer,<sup>33</sup> the practice of hiring such personnel is common, such that these roles are referred to by various statutes.<sup>34</sup> These roles may be full time employees, fulfilled through contract work as needed, or divided into several smaller roles, as needed by the local government.

## **III. Effect of Proposed Changes:**

**Section 1** amends 112.313, F.S., to prohibit public officers, state agency employees, local government attorneys, or candidates for office from soliciting or accepting anything of value, including gifts, loans, rewards, promises of future employment, favors, or services from a foreign country of concern.

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<sup>26</sup> Section 215.425, F.S.

<sup>27</sup> Section 215.425(4), F.S.

<sup>28</sup> Section 125.73, F.S.

<sup>29</sup> FLA. CONST. Art. IX, s. 5. Districts may decide which system to use, changing from one to the other by referendum.

<sup>30</sup> Section 1001.50(3) and (5), F.S.

<sup>31</sup> Section 1001.50(2), F.S.

<sup>32</sup> Section 1001.47, F.S.

<sup>33</sup> Often referred to as a city or town manager.

<sup>34</sup> See, e.g. ss 193.116 (referring to "the chief executive officer of each municipality"), 194.035 (referring to a school board attorney), and 409.2554 (referring to county and city attorneys), F.S.

**Section 2** creates s. 112.3262, F.S., to establish requirements for lobbying before counties, municipalities, and special districts. These requirements largely mirror provisions of current law regulating lobbying the executive branch.

The bill provides that a person may not lobby a county, municipality, or special district unless he or she is registered as a lobbyist with that entity. Such registration must be completed upon the person's initial retention as a lobbyist, may be renewed annually thereafter, and may be filed on a local government's form. The local government may utilize an existing legislative or executive branch lobbyist registration form, and may charge an annual registration fee not exceeding \$40.

Upon receipt of a sworn complaint alleging that an individual has either failed to register or knowingly submitted false information in a report or registration, a local government's commission on ethics, or the Florida Commission on Ethics if the local government does not maintain such a commission, must investigate the allegations and provide findings and recommendations for the local government to act upon.

**Sections 3, 4, 5, 6, and 7** amend ss. 125.73, 125.75, 166.021, 1001.50, and 1012.366, F.S., to provide that certain local government employee contracts shall not be renewed, extended, or renegotiated within 8 months of a general election for members of the applicable governing body, except upon unanimous vote of the governing body. The bill applies this provision to:

- County administrators;
- County attorneys;
- Municipal chief executive officers;
- Municipal attorneys;
- School superintendents; and
- School board district attorneys.

The remainder of the bill revises cross-references and incorporates the amendments made by the bill.

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The county and municipality mandate provisions of Article VII, section 18 of the Florida Constitution may apply because the bill requires local governments to implement lobbyist registration systems, which may require expenditures. Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. None of the constitutional exceptions appear to apply.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an "insignificant fiscal impact" are exempt from the mandate requirements, which for Fiscal Year 2024-2025 is

forecast at approximately \$2.3 million.<sup>35,36</sup> However, any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Individuals seeking to lobby local governments may be subject to a registration fee not exceeding \$40.

**C. Government Sector Impact:**

The commission on ethics and local governments may incur costs associated with the implementation of lobbyist registration.

**VI. Technical Deficiencies:**

None.

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<sup>35</sup> FLA. CONST. art. VII, s. 18(d).

<sup>36</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 24, 2024).

**VII. Related Issues:**

The Commission on Ethics has raised a variety of concerns regarding implementation of the lobbyist registration as provided by the bill, including technology systems costs, personnel requirements, and logistical complications of receiving jurisdiction over local registration laws and complaints.<sup>37</sup> Their analysis regards the bill as filed, before amendments.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.313, 112.32155, 125.73, 125.75, 166.021, 166.041, 1001.50, and 112.061.

This bill creates the following sections of the Florida Statutes: 112.3262 and 1012.336.

This bill reenacts the following sections of the Florida Statutes: 28.35, 112.3136, 112.3251, 288.012, 288.8014, 288.9604, 295.21, 406.06, 447.509, 627.311, 1002.33, 1002.333, and 1002.83.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on January 29, 2024:**

The committee substitute revises provisions related to local lobbying registration to remove the requirement that local governments utilize the executive branch electronic infrastructure for registrations, instead permitting the use of forms already in place for executive or legislative lobbying. The amendment also removes provisions of the bill permitting members of governing boards of municipalities to be “present” at official meetings without physical presence.

- B. **Amendments:**

None.

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

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<sup>37</sup> See Florida Commission on Ethics, *Agency Bill Analysis Request, SB 734*, Jan. 25, 2023, on file with the Florida Senate Community Affairs Committee.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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The Committee on Community Affairs (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1) and (2) of section 112.313,  
Florida Statutes, are amended to read:

112.313 Standards of conduct for public officers, employees  
of agencies, and local government attorneys.—

(1) DEFINITIONS ~~DEFINITION~~.—As used in this section, unless  
the context otherwise requires, the term:



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11 (a) "Foreign country of concern" has the same meaning as in  
12 s. 286.101.

13 (b) "Public officer" includes any person elected or  
14 appointed to hold office in any agency, including any person  
15 serving on an advisory body.

16 (2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

17 (a) A ~~Ne~~ public officer, an employee of an agency, a local  
18 government attorney, or a candidate for nomination or election  
19 may not ~~shall~~ solicit or accept anything of value to the  
20 recipient, including a gift, loan, reward, promise of future  
21 employment, favor, or service, based upon any understanding that  
22 the vote, official action, or judgment of the public officer,  
23 employee, local government attorney, or candidate would be  
24 influenced thereby.

25 (b) A public officer, an employee of an agency, a local  
26 government attorney, or a candidate for nomination or election  
27 may not solicit or accept anything of value to the recipient,  
28 including a gift, loan, reward, promise of future employment,  
29 favor, or service, from a foreign country of concern.

30 Section 2. Section 112.3262, Florida Statutes, is created  
31 to read:

32 112.3262 Lobbying before special districts, counties, and  
33 municipalities; registration and reporting.—

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

35 (a) "Lobby" or "lobbies" means to seek, on behalf of  
36 another person or group, to influence a county, municipality, or  
37 special district with respect to a decision of that entity in an  
38 area of policy or procurement or in an attempt to obtain the  
39 goodwill of an official or employee of such entity. The term



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40 must be interpreted and applied consistently with the rules of  
41 the commission implementing s. 112.3215.

42 (b) "Lobbyist" has the same meaning as in s. 112.3215(1).

43 (c) "Principal" has the same meaning as in s. 112.3215(1).

44 (2) A person may not lobby a county, municipality, or  
45 special district unless he or she is registered as a lobbyist  
46 with such entity. Such registration is due upon the person's  
47 initial retention as a lobbyist and is renewable on a calendar-  
48 year basis thereafter. Such person shall, at the time of  
49 registration, provide a statement signed by the principal or  
50 principal's representative stating that the registrant is  
51 authorized to represent the principal. The statement must also  
52 identify and designate the principal's main business and  
53 authorize the registrant pursuant to a classification system  
54 approved by the county, municipality, or special district, as  
55 applicable. Any changes in the information provided pursuant to  
56 this subsection must be disclosed within 15 days after the  
57 change occurs by filing a new registration form. The  
58 registration form must require each lobbyist to disclose, under  
59 oath, all of the following information:

60 (a) The lobbyist's name and business address.

61 (b) The name and business address of each principal  
62 represented.

63 (c) The existence of any direct or indirect business  
64 association, partnership, or financial relationship the lobbyist  
65 has with any officer or employee of the county, municipality, or  
66 special district that he or she lobbies or intends to lobby.

67 (3) In lieu of creating its own lobbyist registration form,  
68 a county, municipality, or special district may accept a



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69 completed legislative branch or executive branch lobbyist  
70 registration form.

71 (4) A county, municipality, or special district shall make  
72 lobbyist registrations available to the public. If a county,  
73 municipality, or special district maintains a website, the  
74 website must make available a database of currently registered  
75 lobbyists and principals.

76 (5) A lobbyist shall promptly send a written statement to  
77 the county, municipality, or special district, as applicable,  
78 canceling the registration for a principal upon termination of  
79 the lobbyist's representation of that principal. A county,  
80 municipality, or special district may remove the name of a  
81 lobbyist from the list of registered lobbyists if the principal  
82 notifies the county, municipality, or district that a person is  
83 no longer authorized to represent that principal.

84 (6) A county, municipality, or special district may  
85 establish an annual lobbyist registration fee, not to exceed  
86 \$40, for each principal represented. The county, municipality,  
87 or special district may use registration fees only to administer  
88 this section.

89 (7) A county, municipality, or special district must be  
90 diligent in ascertaining whether persons required to register  
91 pursuant to this section have complied. A county, municipality,  
92 or special district may not knowingly authorize a person who is  
93 not registered pursuant to this section to lobby the county,  
94 municipality, or special district.

95 (8) (a) Upon receipt of a sworn complaint alleging that a  
96 lobbyist or principal has failed to register with a county or  
97 municipality or has knowingly submitted false information in a





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98 report or registration required under this section, a Commission  
99 on Ethics and Public Trust established by the county or  
100 municipality or, if the county or municipality has not  
101 established such a commission, the Commission on Ethics shall  
102 investigate the lobbyist or principal pursuant to the procedures  
103 established under s. 112.324. The commission shall provide the  
104 chief executive officer of the county or municipality with a  
105 report of its findings and recommendations arising out of any  
106 investigation conducted under this subsection. The chief  
107 executive officer of the county or municipality may enforce the  
108 commission's findings and recommendations.

109 (b) Upon receipt of a sworn complaint alleging that a  
110 lobbyist or principal has failed to register with a special  
111 district or has knowingly submitted false information in a  
112 report or registration required under this section, the  
113 commission shall investigate the lobbyist or principal pursuant  
114 to the procedures established under s. 112.324. The commission  
115 shall provide the governing body of the special district with a  
116 report of its findings and recommendations arising out of any  
117 investigation conducted under this subsection. The governing  
118 body of the special district may enforce the commission's  
119 findings and recommendations.

120 (9) Counties and municipalities may adopt ordinances, and  
121 special districts may adopt rules, to establish procedures to  
122 govern the registration of lobbyists, including the adoption of  
123 forms and the establishment of a lobbyist registration fee.

124 (10) This section does not preempt or supersede any  
125 ordinance or charter provision establishing a lobbyist  
126 registration program adopted before July 1, 2024, but this



127 section shall prevail to the extent of any conflict. In  
128 accordance with s. 112.326, any ordinance or rule adopted  
129 pursuant to this section may include additional or more  
130 stringent disclosure requirements so long as the requirements do  
131 not otherwise conflict with this section.

132 Section 3. Subsection (5) is added to section 125.73,  
133 Florida Statutes, to read:

134 125.73 County administrator; appointment, qualifications,  
135 compensation.—

136 (5) The governing body of a county may not renew or extend  
137 the employment contract of a county administrator during the 8  
138 months immediately preceding a general election for county  
139 mayor, if applicable, or for members of the governing body of  
140 the county unless the governing body approves such renewal or  
141 extension by a unanimous vote.

142 Section 4. Section 125.75, Florida Statutes, is created to  
143 read:

144 125.75 Contract for the county attorney.—The governing body  
145 of a county may not renew or extend the contract of the county  
146 attorney during the 8 months immediately preceding a general  
147 election for county mayor, if applicable, or for members of the  
148 governing body of the county unless the governing body approves  
149 such renewal or extension by a unanimous vote.

150 Section 5. Present subsection (9) of section 166.021,  
151 Florida Statutes, is redesignated as subsection (10), and a new  
152 subsection (9) is added to that section, to read:

153 166.021 Powers.—

154 (9) (a) The governing body of a municipality may not renew  
155 or extend the employment contract of a chief executive officer



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156 of the municipality during the 8 months immediately preceding a  
157 general election for the municipal mayor or for members of the  
158 governing body of the municipality unless the governing body  
159 approves such renewal or extension by a unanimous vote.

160 (b) The governing body of a municipality may not renew or  
161 extend the employment contract of the city attorney during the 8  
162 months immediately preceding a general election for the  
163 municipal mayor or for members of the governing body of the  
164 municipality unless the governing body approves such renewal or  
165 extension by a unanimous vote.

166 Section 6. Subsection (2) of section 1001.50, Florida  
167 Statutes, is amended to read:

168 1001.50 Superintendents employed under Art. IX of the State  
169 Constitution.—

170 (2) Each district school board shall enter into an  
171 employment contract with the district school superintendent and  
172 shall adopt rules relating to his or her appointment; however,  
173 if the employment contract contains a provision for severance  
174 pay, it must include the provisions required by s. 215.425. The  
175 district school board may not renew or extend the employment  
176 contract of a superintendent during the 8 months immediately  
177 preceding a general election for district school board members  
178 unless the district school board approves such renewal or  
179 extension by a unanimous vote.

180 Section 7. Section 1012.336, Florida Statutes, is created  
181 to read:

182 1012.336 Contracts with general counsels of district school  
183 boards.—A district school board may not renew or extend the  
184 employment contract of the general counsel of the district



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185 school board during the 8 months immediately preceding a general  
186 election for district school board members unless the district  
187 school board approves such renewal or extension by a unanimous  
188 vote.

189 Section 8. Paragraphs (a) and (c) of subsection (14) of  
190 section 112.061, Florida Statutes, are amended to read:

191 112.061 Per diem and travel expenses of public officers,  
192 employees, and authorized persons; statewide travel management  
193 system.—

194 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
195 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
196 ORGANIZATIONS.—

197 (a) The following entities may establish rates that vary  
198 from the per diem rate provided in paragraph (6) (a), the  
199 subsistence rates provided in paragraph (6) (b), or the mileage  
200 rate provided in paragraph (7) (d) if those rates are not less  
201 than the statutorily established rates that are in effect for  
202 the 2005-2006 fiscal year:

203 1. The governing body of a county by the enactment of an  
204 ordinance or resolution;

205 2. A county constitutional officer, pursuant to s. 1(d),  
206 Art. VIII of the State Constitution, by the establishment of  
207 written policy;

208 3. The governing body of a district school board by the  
209 adoption of rules;

210 4. The governing body of a special district, as defined in  
211 s. 189.012, except those special districts that are subject to  
212 s. 166.021(10) ~~s. 166.021(9)~~, by the enactment of a resolution;

213 or



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214           5. Any metropolitan planning organization created pursuant  
215 to s. 339.175 or any other separate legal or administrative  
216 entity created pursuant to s. 339.175 of which a metropolitan  
217 planning organization is a member, by the enactment of a  
218 resolution.

219           (c) Except as otherwise provided in this subsection,  
220 counties, county constitutional officers and entities governed  
221 by those officers, district school boards, special districts,  
222 and metropolitan planning organizations, other than those  
223 subject to s. 166.021(10) ~~s. 166.021(9)~~, remain subject to the  
224 requirements of this section.

225           Section 9. For the purpose of incorporating the amendments  
226 made by this act to section 112.313, Florida Statutes, in  
227 references thereto, paragraph (b) of subsection (1) of section  
228 28.35, Florida Statutes, is reenacted to read:

229           28.35 Florida Clerks of Court Operations Corporation.—

230           (1)

231           (b)1. The executive council shall be composed of eight  
232 clerks of the court elected by the clerks of the courts for a  
233 term of 2 years, with two clerks from counties with a population  
234 of fewer than 100,000, two clerks from counties with a  
235 population of at least 100,000 but fewer than 500,000, two  
236 clerks from counties with a population of at least 500,000 but  
237 fewer than 1 million, and two clerks from counties with a  
238 population of 1 million or more. The executive council shall  
239 also include, as ex officio members, a designee of the President  
240 of the Senate and a designee of the Speaker of the House of  
241 Representatives. The Chief Justice of the Supreme Court shall  
242 designate one additional member to represent the state courts



243 system.

244       2. Members of the executive council of the corporation are  
245 subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135;  
246 and 112.3143(2). For purposes of applying ss. 112.313(1)-(8),  
247 (10), (12), and (15); 112.3135; and 112.3143(2) to activities of  
248 executive council members, members shall be considered public  
249 officers and the corporation shall be considered the members'  
250 agency.

251       Section 10. For the purpose of incorporating the amendments  
252 made by this act to section 112.313, Florida Statutes, in  
253 references thereto, subsection (1) of section 112.3136, Florida  
254 Statutes, is reenacted to read:

255       112.3136 Standards of conduct for officers and employees of  
256 entities serving as chief administrative officer of political  
257 subdivisions.—The officers, directors, and chief executive  
258 officer of a corporation, partnership, or other business entity  
259 that is serving as the chief administrative or executive officer  
260 or employee of a political subdivision, and any business entity  
261 employee who is acting as the chief administrative or executive  
262 officer or employee of the political subdivision, for the  
263 purposes of the following sections, are public officers and  
264 employees who are subject to the following standards of conduct  
265 of this part:

266       (1) Section 112.313, and their "agency" is the political  
267 subdivision that they serve; however, the contract under which  
268 the business entity serves as chief executive or administrative  
269 officer of the political subdivision is not deemed to violate s.  
270 112.313(3) or (7).

271       Section 11. For the purpose of incorporating the amendments



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272 made by this act to section 112.313, Florida Statutes, in  
273 references thereto, section 112.3251, Florida Statutes, is  
274 reenacted to read:

275       112.3251 Citizen support and direct-support organizations;  
276 standards of conduct.—A citizen support or direct-support  
277 organization created or authorized pursuant to law must adopt  
278 its own ethics code. The ethics code must contain the standards  
279 of conduct and disclosures required under ss. 112.313 and  
280 112.3143(2), respectively. However, an ethics code adopted  
281 pursuant to this section is not required to contain the  
282 standards of conduct specified in s. 112.313(3) or (7). The  
283 citizen support or direct-support organization may adopt  
284 additional or more stringent standards of conduct and disclosure  
285 requirements if those standards of conduct and disclosure  
286 requirements do not otherwise conflict with this part. The  
287 ethics code must be conspicuously posted on the citizen support  
288 or direct-support organization's website.

289       Section 12. For the purpose of incorporating the amendments  
290 made by this act to section 112.313, Florida Statutes, in  
291 references thereto, paragraph (d) of subsection (6) of section  
292 288.012, Florida Statutes, is reenacted to read:

293       288.012 State of Florida international offices; direct-  
294 support organization.—The Legislature finds that the expansion  
295 of international trade and tourism is vital to the overall  
296 health and growth of the economy of this state. This expansion  
297 is hampered by the lack of technical and business assistance,  
298 financial assistance, and information services for businesses in  
299 this state. The Legislature finds that these businesses could be  
300 assisted by providing these services at State of Florida



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301 international offices. The Legislature further finds that the  
302 accessibility and provision of services at these offices can be  
303 enhanced through cooperative agreements or strategic alliances  
304 between private businesses and state, local, and international  
305 governmental entities.

306 (6)

307 (d) The senior managers and members of the board of  
308 directors of the organization are subject to ss. 112.313(1)-(8),  
309 (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of  
310 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
311 112.3143(2) to activities of the president and staff, those  
312 persons shall be considered public officers or employees and the  
313 corporation shall be considered their agency. The exemption set  
314 forth in s. 112.313(12) for advisory boards applies to the  
315 members of board of directors. Further, each member of the board  
316 of directors who is not otherwise required to file financial  
317 disclosures pursuant to s. 8, Art. II of the State Constitution  
318 or s. 112.3144, shall file disclosure of financial interests  
319 pursuant to s. 112.3145.

320 Section 13. For the purpose of incorporating the amendments  
321 made by this act to section 112.313, Florida Statutes, in  
322 references thereto, subsection (4) of section 288.8014, Florida  
323 Statutes, is reenacted to read:

324 288.8014 Triumph Gulf Coast, Inc.; organization; board of  
325 directors.—

326 (4) The Legislature determines that it is in the public  
327 interest for the members of the board of directors to be subject  
328 to the requirements of ss. 112.313, 112.3135, and 112.3143,  
329 notwithstanding the fact that the board members are not public





330 officers or employees. For purposes of those sections, the board  
331 members shall be considered to be public officers or employees.  
332 In addition to the postemployment restrictions of s. 112.313(9),  
333 a person appointed to the board of directors must agree to  
334 refrain from having any direct interest in any contract,  
335 franchise, privilege, project, program, or other benefit arising  
336 from an award by Triumph Gulf Coast, Inc., during the term of  
337 his or her appointment and for 6 years after the termination of  
338 such appointment. It is a misdemeanor of the first degree,  
339 punishable as provided in s. 775.082 or s. 775.083, for a person  
340 to accept appointment to the board of directors in violation of  
341 this subsection or to accept a direct interest in any contract,  
342 franchise, privilege, project, program, or other benefit granted  
343 by Triumph Gulf Coast, Inc., to an awardee within 6 years after  
344 the termination of his or her service on the board. Further,  
345 each member of the board of directors who is not otherwise  
346 required to file financial disclosure under s. 8, Art. II of the  
347 State Constitution or s. 112.3144 shall file disclosure of  
348 financial interests under s. 112.3145.

349 Section 14. For the purpose of incorporating the amendments  
350 made by this act to section 112.313, Florida Statutes, in  
351 references thereto, paragraph (a) of subsection (3) of section  
352 288.9604, Florida Statutes, is reenacted to read:

353 288.9604 Creation of the corporation.—

354 (3) (a) 1. A director may not receive compensation for his or  
355 her services, but is entitled to necessary expenses, including  
356 travel expenses, incurred in the discharge of his or her duties.  
357 Each appointed director shall hold office until his or her  
358 successor has been appointed.



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359           2. Directors are subject to ss. 112.313(1)-(8), (10), (12),  
360 and (15); 112.3135; and 112.3143(2). For purposes of applying  
361 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
362 112.3143(2) to activities of directors, directors are considered  
363 public officers and the corporation is considered their agency.

364           Section 15. For the purpose of incorporating the amendments  
365 made by this act to section 112.313, Florida Statutes, in  
366 references thereto, paragraph (d) of subsection (4) of section  
367 295.21, Florida Statutes, is reenacted to read:

368           295.21 Florida Is For Veterans, Inc.—

369           (4) GOVERNANCE.—

370           (d) The Legislature finds that it is in the public interest  
371 for the members of the board of directors to be subject to the  
372 requirements of ss. 112.313, 112.3135, and 112.3143.

373 Notwithstanding the fact that they are not public officers or  
374 employees, for purposes of ss. 112.313, 112.3135, and 112.3143,  
375 the board members shall be considered to be public officers or  
376 employees. In addition to the postemployment restrictions of s.  
377 112.313(9), a person appointed to the board of directors may not  
378 have direct interest in a contract, franchise, privilege,  
379 project, program, or other benefit arising from an award by the  
380 corporation during the appointment term and for 2 years after  
381 the termination of such appointment. A person who accepts  
382 appointment to the board of directors in violation of this  
383 subsection, or accepts a direct interest in a contract,  
384 franchise, privilege, project, program, or other benefit granted  
385 by the corporation to an awardee within 2 years after the  
386 termination of his or her service on the board, commits a  
387 misdemeanor of the first degree, punishable as provided in s.



388 775.082 or s. 775.083. Further, each member of the board of  
389 directors who is not otherwise required to file financial  
390 disclosure under s. 8, Art. II of the State Constitution or s.  
391 112.3144 shall file a statement of financial interests under s.  
392 112.3145.

393 Section 16. For the purpose of incorporating the amendments  
394 made by this act to section 112.313, Florida Statutes, in a  
395 reference thereto, subsection (5) of section 406.06, Florida  
396 Statutes, is reenacted to read:

397 406.06 District medical examiners; associates; suspension  
398 of medical examiners.—

399 (5) District medical examiners and associate medical  
400 examiners are public officers for purposes of s. 112.313 and the  
401 standards of conduct prescribed thereunder.

402 Section 17. For the purpose of incorporating the amendments  
403 made by this act to section 112.313, Florida Statutes, in  
404 references thereto, paragraph (d) of subsection (1) of section  
405 447.509, Florida Statutes, is reenacted to read:

406 447.509 Other unlawful acts.—

407 (1) Employee organizations, their members, agents, or  
408 representatives, or any persons acting on their behalf are  
409 hereby prohibited from:

410 (d) Offering anything of value to a public officer as  
411 defined in s. 112.313(1) which the public officer is prohibited  
412 from accepting under s. 112.313(2).

413 Section 18. For the purpose of incorporating the amendments  
414 made by this act to section 112.313, Florida Statutes, in  
415 references thereto, paragraph (m) of subsection (5) of section  
416 627.311, Florida Statutes, is reenacted to read:



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417           627.311 Joint underwriters and joint reinsurers; public  
418 records and public meetings exemptions.—

419           (5)

420           (m) Senior managers and officers, as defined in the plan of  
421 operation, and members of the board of governors are subject to  
422 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,  
423 112.316, and 112.317. Senior managers, officers, and board  
424 members are also required to file such disclosures with the  
425 Commission on Ethics and the Office of Insurance Regulation. The  
426 executive director of the plan or his or her designee shall  
427 notify each newly appointed and existing appointed member of the  
428 board of governors, senior manager, and officer of his or her  
429 duty to comply with the reporting requirements of s. 112.3145.  
430 At least quarterly, the executive director of the plan or his or  
431 her designee shall submit to the Commission on Ethics a list of  
432 names of the senior managers, officers, and members of the board  
433 of governors who are subject to the public disclosure  
434 requirements under s. 112.3145. Notwithstanding s. 112.313, an  
435 employee, officer, owner, or director of an insurance agency,  
436 insurance company, or other insurance entity may be a member of  
437 the board of governors unless such employee, officer, owner, or  
438 director of an insurance agency, insurance company, other  
439 insurance entity, or an affiliate provides policy issuance,  
440 policy administration, underwriting, claims handling, or payroll  
441 audit services. Notwithstanding s. 112.3143, such board member  
442 may not participate in or vote on a matter if the insurance  
443 agency, insurance company, or other insurance entity would  
444 obtain a special or unique benefit that would not apply to other  
445 similarly situated insurance entities.



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446 Section 19. For the purpose of incorporating the amendments  
447 made by this act to section 112.313, Florida Statutes, in a  
448 reference thereto, paragraph (a) of subsection (26) of section  
449 1002.33, Florida Statutes, is reenacted to read:

450 1002.33 Charter schools.—

451 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

452 (a) A member of a governing board of a charter school,  
453 including a charter school operated by a private entity, is  
454 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

455 Section 20. For the purpose of incorporating the amendments  
456 made by this act to section 112.313, Florida Statutes, in a  
457 reference thereto, paragraph (f) of subsection (6) of section  
458 1002.333, Florida Statutes, is reenacted to read:

459 1002.333 Persistently low-performing schools.—

460 (6) STATUTORY AUTHORITY.—

461 (f) Schools of hope operated by a hope operator shall be  
462 exempt from chapters 1000-1013 and all school board policies.  
463 However, a hope operator shall be in compliance with the laws in  
464 chapters 1000-1013 relating to:

465 1. The student assessment program and school grading  
466 system.

467 2. Student progression and graduation.

468 3. The provision of services to students with disabilities.

469 4. Civil rights, including s. 1000.05, relating to  
470 discrimination.

471 5. Student health, safety, and welfare.

472 6. Public meetings and records, public inspection, and  
473 criminal and civil penalties pursuant to s. 286.011. The  
474 governing board of a school of hope must hold at least two



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475 public meetings per school year in the school district in which  
476 the school of hope is located. Any other meetings of the  
477 governing board may be held in accordance with s. 120.54(5)(b)2.

478 7. Public records pursuant to chapter 119.

479 8. The code of ethics for public officers and employees  
480 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

481 Section 21. For the purpose of incorporating the amendments  
482 made by this act to section 112.313, Florida Statutes, in a  
483 reference thereto, subsection (9) of section 1002.83, Florida  
484 Statutes, is reenacted to read:

485 1002.83 Early learning coalitions.—

486 (9) Each member of an early learning coalition is subject  
487 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
488 112.3143(3)(a), each voting member is a local public officer who  
489 must abstain from voting when a voting conflict exists.

490 Section 22. This act shall take effect July 1, 2024.

491  
492 ===== T I T L E A M E N D M E N T =====

493 And the title is amended as follows:

494 Delete everything before the enacting clause  
495 and insert:

496 A bill to be entitled  
497 An act relating to government accountability; amending  
498 s. 112.313, F.S.; defining the term "foreign country  
499 of concern"; prohibiting specified individuals from  
500 soliciting or accepting anything of value from a  
501 foreign country of concern; making technical changes;  
502 creating s. 112.3262, F.S.; defining terms;  
503 prohibiting a person from lobbying a county,



504 municipality, or special district unless he or she is  
505 registered as a lobbyist; establishing registration  
506 requirements; requiring that lobbyist registrations be  
507 made available to the public; establishing procedures  
508 for canceling of a lobbyist's registration;  
509 authorizing a county, municipality, or special  
510 district to establish a lobbyist registration fee;  
511 requiring a county, municipality, or special district  
512 to monitor compliance with lobbyist registration  
513 requirements; requiring a Commission on Ethics and  
514 Public Trust established by a county or municipality  
515 or the Commission on Ethics, as applicable, to  
516 investigate a lobbyist or principal upon receipt of a  
517 sworn complaint containing certain allegations;  
518 requiring a Commission on Ethics and Public Trust or  
519 the Commission on Ethics, as applicable, to provide  
520 the chief executive officer of the county or  
521 municipality or the governing body of the special  
522 district with a report on the findings and  
523 recommendations arising out of the investigation;  
524 authorizing the chief executive officer of the county  
525 or municipality or the governing body of the special  
526 district to enforce the findings and recommendations;  
527 authorizing counties and municipalities to adopt  
528 ordinances, and special districts to adopt rules,  
529 governing lobbyist registration and fees; providing  
530 construction; amending s. 125.73, F.S.; prohibiting  
531 the governing body of a county from renewing or  
532 extending the employment contract of a county



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533 administrator during a specified timeframe; providing  
534 an exception; creating s. 125.75, F.S.; prohibiting  
535 the governing body of a county from renewing or  
536 extending the employment contract of the county  
537 attorney during a specified timeframe; providing an  
538 exception; amending s. 166.021, F.S.; prohibiting the  
539 governing body of a municipality from renewing or  
540 extending the employment contract of a chief executive  
541 officer of the municipality or the city attorney  
542 during a specified timeframe; providing exceptions;  
543 amending s. 1001.50, F.S.; prohibiting a district  
544 school board from renewing or extending the employment  
545 contract of a district school superintendent during a  
546 specified timeframe; providing an exception; creating  
547 s. 1012.336, F.S.; prohibiting a district school board  
548 from renewing or extending the employment contract of  
549 the general counsel of the district school board  
550 during a specified timeframe; providing an exception;  
551 amending s. 112.061, F.S.; conforming cross-  
552 references; reenacting ss. 28.35(1)(b), 112.3136(1),  
553 112.3251, 288.012(6)(d), 288.8014(4), 288.9604(3)(a),  
554 295.21(4)(d), 406.06(5), 447.509(1)(d), 627.311(5)(m),  
555 1002.33(26)(a), 1002.333(6)(f), and 1002.83(9), F.S.,  
556 relating to members of the executive council of the  
557 Florida Clerks of Court Operations Corporation,  
558 standards of conduct for officers and employees of  
559 entities serving as chief administrative officers of  
560 political subdivisions, the ethics code and standards  
561 of conduct for citizen support and direct-support





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562 organizations, senior managers and members of the  
563 board of directors of the direct-support organization  
564 of State of Florida international offices, standards  
565 of conduct for members of the board of directors of  
566 Triumph Gulf Coast, Inc., directors of the Florida  
567 Development Finance Corporation, standards of conduct  
568 for the board of directors of Florida Is For Veterans,  
569 Inc., standards of conduct for district and associate  
570 medical examiners, prohibited actions of employee  
571 organizations, their members, agents, representatives,  
572 or persons acting on their behalf, standards of  
573 conduct for senior managers, officers, and members of  
574 the board of governors of the Office of Insurance  
575 Regulation, standards of conduct and financial  
576 disclosure for members of a governing board of a  
577 charter school, those operating schools of hope, and  
578 standards of conduct for members of an early learning  
579 coalition, respectively, to incorporate the amendments  
580 made to s. 112.313, F.S., in references thereto;  
581 providing an effective date.

By Senator Ingoglia

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1                                   A bill to be entitled  
2       An act relating to government accountability; amending  
3       s. 112.313, F.S.; defining the term "foreign country  
4       of concern"; prohibiting specified individuals from  
5       soliciting or accepting anything of value from a  
6       foreign country of concern; creating s. 112.3262,  
7       F.S.; defining terms; prohibiting a person from  
8       lobbying a county, municipality, or special district  
9       unless he or she is registered as a lobbyist;  
10      establishing registration requirements; requiring that  
11      lobbyist registrations be made available to the  
12      public; establishing procedures for canceling a  
13      lobbyist's registration; authorizing a county,  
14      municipality, or special district to establish a  
15      lobbyist registration fee; requiring a county,  
16      municipality, or special district to monitor  
17      compliance with lobbyist registration requirements;  
18      requiring a Commission on Ethics and Public Trust  
19      established by a county or municipality or the  
20      Commission on Ethics to investigate a lobbyist or  
21      principal upon receipt of a sworn complaint containing  
22      certain allegations; requiring a Commission on Ethics  
23      and Public Trust, or the Commission on Ethics if there  
24      is no Commission on Ethics and Public Trust, to  
25      provide the chief executive officer of the county or  
26      municipality with a report on the findings and  
27      recommendations arising out of the investigation;  
28      requiring the Commission on Ethics to provide the  
29      governing body of the special district with a report

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30 on the findings and recommendations arising out of the  
31 investigation; authorizing the chief executive officer  
32 of the county or municipality or the governing body of  
33 the special district to enforce the findings and  
34 recommendations; authorizing counties and  
35 municipalities to adopt ordinances, and special  
36 districts to adopt rules, governing lobbyist  
37 registration and fees; providing construction;  
38 amending s. 112.32155, F.S.; requiring specified  
39 lobbyists to file a certain registration by means of  
40 the electronic filing system maintained by the  
41 Commission on Ethics; requiring that registrations be  
42 completed and filed within a specified timeframe on a  
43 specified day and updates to such registration be  
44 completed and filed within a specified timeframe;  
45 amending s. 125.73, F.S.; prohibiting the governing  
46 body of a county from renewing or extending the  
47 employment contract of a county administrator during a  
48 specified timeframe; providing an exception; creating  
49 s. 125.75, F.S.; prohibiting the governing body of a  
50 county from renewing or extending the employment  
51 contract of a county general counsel during a  
52 specified timeframe; providing an exception; amending  
53 s. 166.021, F.S.; prohibiting the governing body of a  
54 municipality from renewing or extending the employment  
55 contract of a chief executive officer or municipal  
56 general counsel during a specified timeframe;  
57 providing exceptions; amending s. 166.041, F.S.;  
58 defining the term "present"; providing that, for a

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59 quorum, two members of the governing body must be  
60 physically present, and others may appear through the  
61 use of certain technology; making technical changes;  
62 amending s. 1001.50, F.S.; prohibiting a district  
63 school board from renewing or extending the employment  
64 contract of a district school superintendent during a  
65 specified timeframe; providing an exception; creating  
66 s. 1012.336, F.S.; prohibiting a district school board  
67 from renewing or extending the employment contract of  
68 a district school board general counsel during a  
69 specified timeframe; providing an exception; amending  
70 s. 112.061, F.S.; conforming cross-references;  
71 reenacting ss. 28.35(1)(b), 112.3136(1), 112.3251,  
72 288.012(6)(d), 288.8014(4), 288.9604(3)(a),  
73 295.21(4)(d), 406.06(5), 447.509(1)(d), 627.311(5)(m),  
74 1002.33(26)(a), 1002.333(6)(f), and 1002.83(9), F.S.,  
75 relating to members of the executive council of the  
76 Florida Clerks of Court Operations Corporation,  
77 standards of conduct for officers and employees of  
78 entities serving as chief administrative officers of  
79 political subdivisions, the ethics code and standards  
80 of conduct for citizen support and direct-support  
81 organizations, senior managers and members of the  
82 board of directors of the direct-support organization  
83 of State of Florida international offices, standards  
84 of conduct for members of the board of directors of  
85 Triumph Gulf Coast, Inc., directors of the Florida  
86 Development Finance Corporation, standards of conduct  
87 for the board of directors of Florida Is For Veterans,

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88 Inc., standards of conduct for district and associate  
89 medical examiners, prohibited actions of employee  
90 organizations, their members, agents, representatives,  
91 or persons acting on their behalf, standards of  
92 conduct for senior managers, officers and members of  
93 the board of governors of the Office of Insurance  
94 Regulation, standards of conduct and financial  
95 disclosure for members of a governing board of a  
96 charter school, those operating schools of hope, and  
97 standards of conduct for members of an early learning  
98 coalition, respectively, to incorporate the amendments  
99 made to s. 112.313, F.S., in references thereto;  
100 providing an effective date.

101  
102 Be It Enacted by the Legislature of the State of Florida:

103  
104 Section 1. Subsections (1) and (2) of section 112.313,  
105 Florida Statutes, are amended to read:

106 112.313 Standards of conduct for public officers, employees  
107 of agencies, and local government attorneys.—

108 (1) DEFINITIONS ~~DEFINITION~~.—As used in this section, unless  
109 the context otherwise requires, the term:

110 (a) “Foreign country of concern” has the same meaning as in  
111 s. 286.101.

112 (b) “Public officer” includes any person elected or  
113 appointed to hold office in any agency, including any person  
114 serving on an advisory body.

115 (2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

116 (a) A ~~No~~ public officer, an employee of an agency, a local

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117 government attorney, or a candidate for nomination or election  
118 may not ~~shall~~ solicit or accept anything of value to the  
119 recipient, including a gift, loan, reward, promise of future  
120 employment, favor, or service, based upon any understanding that  
121 the vote, official action, or judgment of the public officer,  
122 employee, local government attorney, or candidate would be  
123 influenced thereby.

124 (b) A public officer, an employee of an agency, a local  
125 government attorney, or a candidate for nomination or election  
126 may not solicit or accept anything of value to the recipient,  
127 including a gift, loan, reward, promise of future employment,  
128 favor, or service, from a foreign country of concern.

129 Section 2. Section 112.3262, Florida Statutes, is created  
130 to read:

131 112.3262 Lobbying before special districts, counties, and  
132 municipalities; registration and reporting.-

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

134 (a) "Lobby" or "lobbies" means to seek, on behalf of  
135 another person or group, to influence a county, municipality, or  
136 special district with respect to a decision of that entity in  
137 either an area of policy or procurement or an attempt to obtain  
138 the goodwill of an official or employee of such entity. The term  
139 "lobby" or "lobbies" must be interpreted and applied  
140 consistently with the rules of the commission implementing s.  
141 112.3215.

142 (b) "Lobbyist" has the same meaning as in s. 112.3215.

143 (c) "Principal" has the same meaning as in s. 112.3215.

144 (2) A person may not lobby a county, municipality, or  
145 special district unless he or she is registered as a lobbyist

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146 with such entity. Such registration is due upon the person's  
147 initial retention as a lobbyist, is renewable on a calendar-year  
148 basis thereafter, and must be filed using the electronic filing  
149 system provided under s. 112.32155. Such person shall, at the  
150 time of registration, provide a statement signed by the  
151 principal or principal's representative stating that the  
152 registrant is authorized to represent the principal. The  
153 statement must also identify and designate the principal's main  
154 business and authorize the registrant pursuant to a  
155 classification system approved by the county, municipality, or  
156 special district, as applicable. Any changes in the information  
157 provided pursuant to this subsection must be disclosed within 15  
158 days after the change occurs by filing a new registration form.  
159 The registration form must require each lobbyist to disclose,  
160 under oath, all of the following:

161 (a) The lobbyist's name and business address.

162 (b) The name and business address of each principal  
163 represented.

164 (c) The existence of any direct or indirect business  
165 association, partnership, or financial relationship the lobbyist  
166 has with any officer or employee of the county, municipality, or  
167 special district which he or she lobbies or intends to lobby.

168 (d) In lieu of creating its own lobbyist registration form,  
169 a county, municipality, or special district may accept a  
170 completed legislative branch or executive branch lobbyist  
171 registration form.

172 (3) A county, municipality, or special district shall make  
173 available to the public copies of lobbyist registrations  
174 submitted pursuant to subsection (2). If a county, municipality,

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175 or special district maintains a website, a database of currently  
176 registered lobbyists and principals must be available on the  
177 website.

178 (4) A lobbyist shall promptly send a written statement to  
179 the county, municipality, or special district, as applicable,  
180 canceling the registration for a principal upon termination of  
181 the lobbyist's representation of that principal. A county,  
182 municipality, or special district may remove the name of a  
183 lobbyist from the list of registered lobbyists if the principal  
184 notifies the district that a person is no longer authorized to  
185 represent that principal.

186 (5) A county, municipality, or special district may  
187 establish an annual lobbyist registration fee, not to exceed  
188 \$40, for each principal represented. The county, municipality,  
189 or special district may use registration fees only to administer  
190 this section.

191 (6) A county, municipality, or special district shall be  
192 diligent in ascertaining whether persons required to register  
193 pursuant to this section have complied. A county, municipality,  
194 or special district may not knowingly authorize a person who is  
195 not registered to lobby pursuant to this section.

196 (7) (a) Upon receipt of a sworn complaint alleging that a  
197 lobbyist or principal has failed to register with a county or  
198 municipality or has knowingly submitted false information in a  
199 report or registration required under this section, a Commission  
200 on Ethics and Public Trust established by the county or  
201 municipality or, if the county or municipality has not  
202 established such a commission, the Commission on Ethics shall  
203 investigate the lobbyist or principal pursuant to the procedures



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204 established under s. 112.324. The commission shall provide the  
205 chief executive officer of the county or municipality with a  
206 report of its findings and recommendations arising out of any  
207 investigation conducted under this paragraph. The chief  
208 executive officer of the county or municipality may enforce the  
209 commission's findings and recommendations.

210 (b) Upon the receipt of a sworn complaint alleging that a  
211 lobbyist or principal has failed to register with a special  
212 district or has knowingly submitted false information in a  
213 report or registration required under this section, the  
214 Commission on Ethics shall investigate the lobbyist or principal  
215 pursuant to the procedures established under s. 112.324. The  
216 commission shall provide the governing body of the special  
217 district with a report of its findings and recommendations  
218 arising out of any investigation conducted under this paragraph.  
219 The governing body of the special district may enforce the  
220 commission's findings and recommendations.

221 (8) Counties and municipalities may adopt ordinances, and  
222 special districts may adopt rules, to establish procedures to  
223 govern the registration of lobbyists, including the adoption of  
224 forms and the establishment of a lobbyist registration fee.

225 (9) This section does not preempt or supersede any  
226 ordinance or charter provision establishing a lobbyist  
227 registration program adopted before July 1, 2024, but this  
228 section shall prevail to the extent of any conflict. In  
229 accordance with s. 112.326, any ordinance or rule adopted  
230 pursuant to this section may include additional or more  
231 stringent disclosure requirements so long as the requirements do  
232 not otherwise conflict with this section.

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233 Section 3. Subsections (2) and (3) of section 112.32155,  
234 Florida Statutes, are amended to read:

235 112.32155 Electronic filing of compensation reports and  
236 other information.—

237 (2) (a) Each lobbying firm who is required to file reports  
238 with the Commission on Ethics pursuant to s. 112.3215 must file  
239 such reports with the commission by means of the electronic  
240 filing system.

241 (b) Each lobbyist who is required to file a registration  
242 pursuant to s. 112.3262 must file his or her registration by  
243 means of the electronic filing system.

244 (3) (a) A report filed pursuant to this section must be  
245 completed and filed through the electronic filing system not  
246 later than 11:59 p.m. of the day designated in s. 112.3215. A  
247 report not filed by 11:59 p.m. of the day designated is a late-  
248 filed report and is subject to the penalties under s.  
249 112.3215(5).

250 (b) A registration filed pursuant to s. 112.3262 must be  
251 completed and filed by 11:59 p.m. on the day the lobbyist is  
252 retained, and an update to a registration must be completed and  
253 filed no later than 15 days after a change.

254 Section 4. Subsection (5) is added to section 125.73,  
255 Florida Statutes, to read:

256 125.73 County administrator; appointment, qualifications,  
257 compensation.—

258 (5) The governing body of a county may not renew or extend  
259 the employment contract of a county administrator during the 8  
260 months immediately preceding a general election for county  
261 mayor, if applicable, or for members of the governing body of

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262 the county unless the governing body approves such renewal or  
263 extension by a unanimous vote.

264 Section 5. Section 125.75, Florida Statutes, is created to  
265 read:

266 125.75 County general counsel contract.—The governing body  
267 of a county may not renew or extend the contract of a county  
268 general counsel during the 8 months immediately preceding a  
269 general election for county mayor, if applicable, or for members  
270 of the governing body of the county unless the governing body  
271 approves such renewal or extension by a unanimous vote.

272 Section 6. Present subsection (9) of section 166.021,  
273 Florida Statutes, is redesignated as subsection (10), and a new  
274 subsection (9) is added to that section, to read:

275 166.021 Powers.—

276 (9) (a) The governing body of a municipality may not renew  
277 or extend the employment contract of a chief executive officer  
278 of the municipality during the 8 months immediately preceding a  
279 general election for the municipal mayor or for members of the  
280 governing body of the municipality unless the governing body  
281 approves such renewal or extension by a unanimous vote.

282 (b) The governing body of a municipality may not renew or  
283 extend the employment contract of a municipal general counsel  
284 during the 8 months immediately preceding a general election for  
285 the municipal mayor or for members of the governing body of the  
286 municipality unless the governing body approves such renewal or  
287 extension by a unanimous vote.

288 Section 7. Present paragraph (b) of subsection (1) of  
289 section 166.041, Florida Statutes, is redesignated as paragraph  
290 (c), and a new paragraph (b) is added to that subsection, and

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291 subsection (5) of that section is amended, to read:

292 166.041 Procedures for adoption of ordinances and  
293 resolutions.—

294 (1) As used in this section, the following words and terms  
295 shall have the following meanings unless some other meaning is  
296 plainly indicated:

297 (b) "Present" means a member of a governing body having,  
298 for the purpose of determining a quorum or voting on matters  
299 before the governing body, the ability to participate  
300 meaningfully in the deliberation of the governing body, either  
301 by the member's physical presence at the meeting or by his or  
302 her use of technology that allows the member to see, hear, and  
303 speak at the meeting as if physically present.

304 (5) A majority of the members of the governing body  
305 constitutes ~~shall constitute~~ a quorum. An affirmative vote of a  
306 majority of a quorum present is necessary to enact any ordinance  
307 or adopt any resolution; except that two-thirds of the  
308 membership of the board is required to enact an emergency  
309 ordinance. On final passage, the vote of each member of the  
310 governing body voting must ~~shall~~ be entered in ~~on~~ the official  
311 record of the meeting. All ordinances or resolutions passed by  
312 the governing body ~~shall~~ become effective 10 days after passage  
313 or as otherwise provided therein. For the purposes of  
314 determining whether the majority of the members of the governing  
315 body are present, when at least two members of the governing  
316 body are physically present, a member of the governing body may  
317 be considered present if, by the use of any technology, the  
318 member can participate in the deliberation of the governing  
319 body.

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320 Section 8. Subsection (2) of section 1001.50, Florida  
321 Statutes, is amended to read:

322 1001.50 Superintendents employed under Art. IX of the State  
323 Constitution.—

324 (2) Each district school board shall enter into an  
325 employment contract with the district school superintendent and  
326 shall adopt rules relating to his or her appointment; however,  
327 if the employment contract contains a provision for severance  
328 pay, it must include the provisions required by s. 215.425. The  
329 district school board may not renew or extend the employment  
330 contract of a superintendent during the 8 months immediately  
331 preceding a general election for district school board members  
332 unless the district school board approves such renewal or  
333 extension by a unanimous vote.

334 Section 9. Section 1012.336, Florida Statutes, is created  
335 to read:

336 1012.336 Contracts with district school board general  
337 counsels.—A district school board may not renew or extend the  
338 employment contract of a district school board general counsel  
339 during the 8 months immediately preceding a general election for  
340 district school board members unless the district school board  
341 approves such renewal or extension by a unanimous vote.

342 Section 10. Paragraphs (a) and (c) of subsection (14) of  
343 section 112.061, Florida Statutes, are amended to read:

344 112.061 Per diem and travel expenses of public officers,  
345 employees, and authorized persons; statewide travel management  
346 system.—

347 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
348 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING

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349 ORGANIZATIONS.—

350 (a) The following entities may establish rates that vary  
351 from the per diem rate provided in paragraph (6) (a), the  
352 subsistence rates provided in paragraph (6) (b), or the mileage  
353 rate provided in paragraph (7) (d) if those rates are not less  
354 than the statutorily established rates that are in effect for  
355 the 2005-2006 fiscal year:

356 1. The governing body of a county by the enactment of an  
357 ordinance or resolution;

358 2. A county constitutional officer, pursuant to s. 1(d),  
359 Art. VIII of the State Constitution, by the establishment of  
360 written policy;

361 3. The governing body of a district school board by the  
362 adoption of rules;

363 4. The governing body of a special district, as defined in  
364 s. 189.012, except those special districts that are subject to  
365 s. 166.021(10) ~~s. 166.021(9)~~, by the enactment of a resolution;  
366 or

367 5. Any metropolitan planning organization created pursuant  
368 to s. 339.175 or any other separate legal or administrative  
369 entity created pursuant to s. 339.175 of which a metropolitan  
370 planning organization is a member, by the enactment of a  
371 resolution.

372 (c) Except as otherwise provided in this subsection,  
373 counties, county constitutional officers and entities governed  
374 by those officers, district school boards, special districts,  
375 and metropolitan planning organizations, other than those  
376 subject to s. 166.021(10) ~~s. 166.021(9)~~, remain subject to the  
377 requirements of this section.

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378 Section 11. For the purpose of incorporating the amendments  
379 made by this act to section 112.313, Florida Statutes, in  
380 references thereto, paragraph (b) of subsection (1) of section  
381 28.35, Florida Statutes, is reenacted to read:

382 28.35 Florida Clerks of Court Operations Corporation.—

383 (1)

384 (b)1. The executive council shall be composed of eight  
385 clerks of the court elected by the clerks of the courts for a  
386 term of 2 years, with two clerks from counties with a population  
387 of fewer than 100,000, two clerks from counties with a  
388 population of at least 100,000 but fewer than 500,000, two  
389 clerks from counties with a population of at least 500,000 but  
390 fewer than 1 million, and two clerks from counties with a  
391 population of 1 million or more. The executive council shall  
392 also include, as ex officio members, a designee of the President  
393 of the Senate and a designee of the Speaker of the House of  
394 Representatives. The Chief Justice of the Supreme Court shall  
395 designate one additional member to represent the state courts  
396 system.

397 2. Members of the executive council of the corporation are  
398 subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135;  
399 and 112.3143(2). For purposes of applying ss. 112.313(1)-(8),  
400 (10), (12), and (15); 112.3135; and 112.3143(2) to activities of  
401 executive council members, members shall be considered public  
402 officers and the corporation shall be considered the members'  
403 agency.

404 Section 12. For the purpose of incorporating the amendments  
405 made by this act to section 112.313, Florida Statutes, in  
406 references thereto, subsection (1) of section 112.3136, Florida

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407 Statutes, is reenacted to read:

408       112.3136 Standards of conduct for officers and employees of  
409 entities serving as chief administrative officer of political  
410 subdivisions.—The officers, directors, and chief executive  
411 officer of a corporation, partnership, or other business entity  
412 that is serving as the chief administrative or executive officer  
413 or employee of a political subdivision, and any business entity  
414 employee who is acting as the chief administrative or executive  
415 officer or employee of the political subdivision, for the  
416 purposes of the following sections, are public officers and  
417 employees who are subject to the following standards of conduct  
418 of this part:

419       (1) Section 112.313, and their “agency” is the political  
420 subdivision that they serve; however, the contract under which  
421 the business entity serves as chief executive or administrative  
422 officer of the political subdivision is not deemed to violate s.  
423 112.313(3) or (7).

424       Section 13. For the purpose of incorporating the amendments  
425 made by this act to section 112.313, Florida Statutes, in  
426 references thereto, section 112.3251, Florida Statutes, is  
427 reenacted to read:

428       112.3251 Citizen support and direct-support organizations;  
429 standards of conduct.—A citizen support or direct-support  
430 organization created or authorized pursuant to law must adopt  
431 its own ethics code. The ethics code must contain the standards  
432 of conduct and disclosures required under ss. 112.313 and  
433 112.3143(2), respectively. However, an ethics code adopted  
434 pursuant to this section is not required to contain the  
435 standards of conduct specified in s. 112.313(3) or (7). The



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436 citizen support or direct-support organization may adopt  
437 additional or more stringent standards of conduct and disclosure  
438 requirements if those standards of conduct and disclosure  
439 requirements do not otherwise conflict with this part. The  
440 ethics code must be conspicuously posted on the citizen support  
441 or direct-support organization's website.

442 Section 14. For the purpose of incorporating the amendments  
443 made by this act to section 112.313, Florida Statutes, in  
444 references thereto, paragraph (d) of subsection (6) of section  
445 288.012, Florida Statutes, is reenacted to read:

446 288.012 State of Florida international offices; direct-  
447 support organization.—The Legislature finds that the expansion  
448 of international trade and tourism is vital to the overall  
449 health and growth of the economy of this state. This expansion  
450 is hampered by the lack of technical and business assistance,  
451 financial assistance, and information services for businesses in  
452 this state. The Legislature finds that these businesses could be  
453 assisted by providing these services at State of Florida  
454 international offices. The Legislature further finds that the  
455 accessibility and provision of services at these offices can be  
456 enhanced through cooperative agreements or strategic alliances  
457 between private businesses and state, local, and international  
458 governmental entities.

459 (6)

460 (d) The senior managers and members of the board of  
461 directors of the organization are subject to ss. 112.313(1)-(8),  
462 (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of  
463 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
464 112.3143(2) to activities of the president and staff, those

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465 persons shall be considered public officers or employees and the  
466 corporation shall be considered their agency. The exemption set  
467 forth in s. 112.313(12) for advisory boards applies to the  
468 members of board of directors. Further, each member of the board  
469 of directors who is not otherwise required to file financial  
470 disclosures pursuant to s. 8, Art. II of the State Constitution  
471 or s. 112.3144, shall file disclosure of financial interests  
472 pursuant to s. 112.3145.

473 Section 15. For the purpose of incorporating the amendments  
474 made by this act to section 112.313, Florida Statutes, in  
475 references thereto, subsection (4) of section 288.8014, Florida  
476 Statutes, is reenacted to read:

477 288.8014 Triumph Gulf Coast, Inc.; organization; board of  
478 directors.—

479 (4) The Legislature determines that it is in the public  
480 interest for the members of the board of directors to be subject  
481 to the requirements of ss. 112.313, 112.3135, and 112.3143,  
482 notwithstanding the fact that the board members are not public  
483 officers or employees. For purposes of those sections, the board  
484 members shall be considered to be public officers or employees.  
485 In addition to the postemployment restrictions of s. 112.313(9),  
486 a person appointed to the board of directors must agree to  
487 refrain from having any direct interest in any contract,  
488 franchise, privilege, project, program, or other benefit arising  
489 from an award by Triumph Gulf Coast, Inc., during the term of  
490 his or her appointment and for 6 years after the termination of  
491 such appointment. It is a misdemeanor of the first degree,  
492 punishable as provided in s. 775.082 or s. 775.083, for a person  
493 to accept appointment to the board of directors in violation of

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494 this subsection or to accept a direct interest in any contract,  
495 franchise, privilege, project, program, or other benefit granted  
496 by Triumph Gulf Coast, Inc., to an awardee within 6 years after  
497 the termination of his or her service on the board. Further,  
498 each member of the board of directors who is not otherwise  
499 required to file financial disclosure under s. 8, Art. II of the  
500 State Constitution or s. 112.3144 shall file disclosure of  
501 financial interests under s. 112.3145.

502 Section 16. For the purpose of incorporating the amendments  
503 made by this act to section 112.313, Florida Statutes, in a  
504 reference thereto, paragraph (a) of subsection (3) of section  
505 288.9604, Florida Statutes, is reenacted to read:

506 288.9604 Creation of the corporation.—

507 (3) (a) 1. A director may not receive compensation for his or  
508 her services, but is entitled to necessary expenses, including  
509 travel expenses, incurred in the discharge of his or her duties.  
510 Each appointed director shall hold office until his or her  
511 successor has been appointed.

512 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),  
513 and (15); 112.3135; and 112.3143(2). For purposes of applying  
514 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
515 112.3143(2) to activities of directors, directors are considered  
516 public officers and the corporation is considered their agency.

517 Section 17. For the purpose of incorporating the amendments  
518 made by this act to section 112.313, Florida Statutes, in  
519 references thereto, paragraph (d) of subsection (4) of section  
520 295.21, Florida Statutes, is reenacted to read:

521 295.21 Florida Is For Veterans, Inc.—

522 (4) GOVERNANCE.—

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523 (d) The Legislature finds that it is in the public interest  
524 for the members of the board of directors to be subject to the  
525 requirements of ss. 112.313, 112.3135, and 112.3143.  
526 Notwithstanding the fact that they are not public officers or  
527 employees, for purposes of ss. 112.313, 112.3135, and 112.3143,  
528 the board members shall be considered to be public officers or  
529 employees. In addition to the postemployment restrictions of s.  
530 112.313(9), a person appointed to the board of directors may not  
531 have direct interest in a contract, franchise, privilege,  
532 project, program, or other benefit arising from an award by the  
533 corporation during the appointment term and for 2 years after  
534 the termination of such appointment. A person who accepts  
535 appointment to the board of directors in violation of this  
536 subsection, or accepts a direct interest in a contract,  
537 franchise, privilege, project, program, or other benefit granted  
538 by the corporation to an awardee within 2 years after the  
539 termination of his or her service on the board, commits a  
540 misdemeanor of the first degree, punishable as provided in s.  
541 775.082 or s. 775.083. Further, each member of the board of  
542 directors who is not otherwise required to file financial  
543 disclosure under s. 8, Art. II of the State Constitution or s.  
544 112.3144 shall file a statement of financial interests under s.  
545 112.3145.

546 Section 18. For the purpose of incorporating the amendments  
547 made by this act to section 112.313, Florida Statutes, in a  
548 reference thereto, subsection (5) of section 406.06, Florida  
549 Statutes, is reenacted to read:

550 406.06 District medical examiners; associates; suspension  
551 of medical examiners.-

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552 (5) District medical examiners and associate medical  
553 examiners are public officers for purposes of s. 112.313 and the  
554 standards of conduct prescribed thereunder.

555 Section 19. For the purpose of incorporating the amendments  
556 made by this act to section 112.313, Florida Statutes, in  
557 references thereto, paragraph (d) of subsection (1) of section  
558 447.509, Florida Statutes, is reenacted to read:

559 447.509 Other unlawful acts.—

560 (1) Employee organizations, their members, agents, or  
561 representatives, or any persons acting on their behalf are  
562 hereby prohibited from:

563 (d) Offering anything of value to a public officer as  
564 defined in s. 112.313(1) which the public officer is prohibited  
565 from accepting under s. 112.313(2).

566 Section 20. For the purpose of incorporating the amendments  
567 made by this act to section 112.313, Florida Statutes, in  
568 references thereto, paragraph (m) of subsection (5) of section  
569 627.311, Florida Statutes, is reenacted to read:

570 627.311 Joint underwriters and joint reinsurers; public  
571 records and public meetings exemptions.—

572 (5)

573 (m) Senior managers and officers, as defined in the plan of  
574 operation, and members of the board of governors are subject to  
575 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,  
576 112.316, and 112.317. Senior managers, officers, and board  
577 members are also required to file such disclosures with the  
578 Commission on Ethics and the Office of Insurance Regulation. The  
579 executive director of the plan or his or her designee shall  
580 notify each newly appointed and existing appointed member of the

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581 board of governors, senior manager, and officer of his or her  
582 duty to comply with the reporting requirements of s. 112.3145.  
583 At least quarterly, the executive director of the plan or his or  
584 her designee shall submit to the Commission on Ethics a list of  
585 names of the senior managers, officers, and members of the board  
586 of governors who are subject to the public disclosure  
587 requirements under s. 112.3145. Notwithstanding s. 112.313, an  
588 employee, officer, owner, or director of an insurance agency,  
589 insurance company, or other insurance entity may be a member of  
590 the board of governors unless such employee, officer, owner, or  
591 director of an insurance agency, insurance company, other  
592 insurance entity, or an affiliate provides policy issuance,  
593 policy administration, underwriting, claims handling, or payroll  
594 audit services. Notwithstanding s. 112.3143, such board member  
595 may not participate in or vote on a matter if the insurance  
596 agency, insurance company, or other insurance entity would  
597 obtain a special or unique benefit that would not apply to other  
598 similarly situated insurance entities.

599 Section 21. For the purpose of incorporating the amendments  
600 made by this act to section 112.313, Florida Statutes, in a  
601 reference thereto, paragraph (a) of subsection (26) of section  
602 1002.33, Florida Statutes, is reenacted to read:

603 1002.33 Charter schools.—

604 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

605 (a) A member of a governing board of a charter school,  
606 including a charter school operated by a private entity, is  
607 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

608 Section 22. For the purpose of incorporating the amendments  
609 made by this act to section 112.313, Florida Statutes, in a

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610 reference thereto, paragraph (f) of subsection (6) of section  
611 1002.333, Florida Statutes, is reenacted to read:

612 1002.333 Persistently low-performing schools.—

613 (6) STATUTORY AUTHORITY.—

614 (f) Schools of hope operated by a hope operator shall be  
615 exempt from chapters 1000-1013 and all school board policies.  
616 However, a hope operator shall be in compliance with the laws in  
617 chapters 1000-1013 relating to:

618 1. The student assessment program and school grading  
619 system.

620 2. Student progression and graduation.

621 3. The provision of services to students with disabilities.

622 4. Civil rights, including s. 1000.05, relating to  
623 discrimination.

624 5. Student health, safety, and welfare.

625 6. Public meetings and records, public inspection, and  
626 criminal and civil penalties pursuant to s. 286.011. The  
627 governing board of a school of hope must hold at least two  
628 public meetings per school year in the school district in which  
629 the school of hope is located. Any other meetings of the  
630 governing board may be held in accordance with s. 120.54(5)(b)2.

631 7. Public records pursuant to chapter 119.

632 8. The code of ethics for public officers and employees  
633 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

634 Section 23. For the purpose of incorporating the amendments  
635 made by this act to section 112.313, Florida Statutes, in a  
636 reference thereto, subsection (9) of section 1002.83, Florida  
637 Statutes, is reenacted to read:

638 1002.83 Early learning coalitions.—

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639           (9) Each member of an early learning coalition is subject  
640 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
641 112.3143(3)(a), each voting member is a local public officer who  
642 must abstain from voting when a voting conflict exists.  
643           Section 24. This act shall take effect July 1, 2024.





# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

**COMMITTEES:**  
Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

**SELECT COMMITTEE:**  
Select Committee on Resiliency

**JOINT COMMITTEE:**  
Joint Administrative Procedures  
Committee, *Alternating Chair*

Senator Blaise Ingoglia  
11<sup>th</sup> District

January 3, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399

## **Re: SB 734: Government Accountability**

Chair Calatayud,

SB 734 regarding Government Accountability has been referred to the Community Affairs Committee as its first committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia", with a stylized flourish extending to the right.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administrative Assistant

## SB 734 (Ingoglia) 1/25/2023

### Section 1:

Lines 110-111: Adds and defines the term "foreign country of concern" in s. 112.313(1).

Lines 124-128: Adds s. 112.313(2)(b) prohibiting a public officer, employee, local government attorney, or a candidate for nomination or election from soliciting or accepting anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, from a foreign country of concern.

- The Commission has not taken a position on this policy choice. The information provided in this analysis relates to implementation of the law, if enacted.
- If enacted, the Commission would be empowered to investigate alleged violations of this statute and issue advisory opinions to officials, employees, and candidates with questions about how the law might apply to them in specific circumstances.
- It appears to be a straightforward prohibition from accepting things of value from foreign countries of concern.
- There may be a modest increase in complaints and opinion requests on this topic.

### Section 2:

This section adds lobbyist registration and requirements for lobbying before special districts, counties, and municipalities.

- The Commission has not taken a position on this policy choice. The information provided in this analysis relates to implementation of the law, if enacted.

Lines 131-143: Defines lobbyist, lobby, and principal using definitions from the Executive Branch Lobbying Law found in s. 112.3215. In 3215, "agency" is defined as 'Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, "agency" shall mean the Constitution Revision Commission as provided by s.2, Art. XI of the State Constitution."

- The definition language referenced does not include any **local** entities or special districts that are the subject of the provisions of this bill.

Lines 144-167: Requires lobbyists to register with the entity(ies) upon retention to lobby such entity. The registration requirements mirror the registration requirements found in s. 112.3215.

Lines 147-149: reference registration using the system provided for in s. 112.32155. This statute pertains to compensation reporting *only*. The section of law does not pertain to registration.

Line 159: References a registration "form" which appears to be referencing a paper form. However, elsewhere in the bill it appears they requiring electronic registration systems.

Lines 168-171: Provides counties, municipalities, and special districts with the option of accepting a completed legislative or executive branch lobbyist registration "form."

- The legislative and executive branch lobbyist registration system is electronic. That means local lobbyists would have to request registration authorization and complete the electronic form (but not submit it to Executive or Legislative Branch Lobbying). Although it contains required fields for similar information for lobbyists registering to lobby the legislature or the executive branch, there are important differences.
  - They system has pull down lists to answer various questions that are specific to the Executive Branch and the Legislative Branch. That programming would need to be updated if there were going to be local lobbyists using the system. In addition, as local lobbyists do not register with Executive or Legislative Branch, they would have to access the system but then print the completed form in order to file it locally. It would take significant programming changes to provide access to local lobbyists. Any programming changes would come at a cost.
    - It is important to note that the Executive Branch lobbyist office is funded by Trust Fund dollars. There is one staff member. We do not believe that EBLR trust fund monies can be used to pay for anything other than EBLR operations. Therefore, Commission staff would need to assist local lobbyists with electronic registration, rather than EBLR staff. Those staffers could not be funded with EBLR trust fund dollars. Commission staff would not have any expertise on any of the local requirements.
  - The bill does not provide the ability for the EBLR office or the Commission to charge a fee for registration when the EBLR system is used or state office staff answers questions from lobbyists or the public.

Lines 178-185: Requires lobbyists to send a written notification to the local government to cancel registration. How would this work if the lobbyist uses the state electronic system? What about when a principal wishes to cancel their lobbyist's registration.

Lines 196-209: 112.3262(7)(a), provides for the ability of a local Commission on Ethics, or if there is no local agency, the Florida Commission on Ethics, to investigate a sworn complaint alleging a lobbyist or principal has failed to register with a county or municipality, or has knowingly submitted false information in a report or registration required under the section.

Lines 210-2020: Complaints filed regarding the failure of a lobbyist or principal to register to lobby special districts are to be handled by the Florida Commission on Ethics.

- Regarding lines 196-220 - The bill requires only lobbyists register. There is no requirement for the principal to register. Therefore, complaints could not be filed against a principal for failure of a principal to register under the current language of the bill.
- The language in lines 196-220 gives the Florida Commission on Ethics the jurisdiction over *local* ordinances and laws requiring lobbyist registration. Historically, the Commission never has had jurisdiction over local ethics laws or requirements. With at least 2,500 local government entities, most of which do not have ethics commissions, the bulk of complaints would go to the Commission. This creates a major implementation challenge with the possibility of a large increase in complaints filed with the Commission.

- Under SB 7014/ HB 1597, there will be mandatory statutory timeframes within which the Commission must operate, including only 30 days to order an investigation.
- Who would provide guidance or issue opinions to local lobbyists and principals on the local ordinances?
  - The Commission would have to familiarize itself on the local requirements and various interpretations within a very short time frame in the complaint process.
- The bill language references the Commission reporting its findings and recommendations to the local governing body of official. However, the bill is unclear as to what the Commission is empowered to recommend to these individuals or bodies if a lobbyist is found to have failed to register.

Section 3: This section amends s. 112.32155, which governs the electronic Executive Branch Lobbyist **Compensation Reports** System. [This section does not relate to electronic **registration**]

Lines 241-243 & 250-253: require local lobbyists required to "register" under 112.3262 to register via an electronic system, along with language relating to timeliness.

- This language might need to be in a section under 112.3262, rather than under the law pertaining to Executive Branch Lobbyist registration, as it is unrelated to the Executive Branch registration system. It is unlikely lobbyists will know to refer to such language in that section.
  - As stated previously, the bill does not provide the ability for the EBLR office to charge a fee for registration when the EBLR system is used.

Lines 250-253: Requires registration by 11:59 p.m. on the day a person is retained. There are a number of moving parts to becoming registered. It would appear you need notarized signatures by the principal. This deadline will be very difficult for lobbyists to comply with, even when acting in good faith. In current EBLR law, a lobbyist must register upon initially being retained (112.3215(3)) and may not lobby until they are properly registered. If some of this is paper, then 11:59 p.m. is not feasible.

Will government offices have some sort of back-end access to the system or would they check the public page for registrants?

Sections 4 through 21: These sections do not make changes not already addressed in this analysis in other sections.

**Effective Date: July 1, 2024.**

- The Commission on Ethics, given its current responsibilities implementing e-filing for nearly 40,000 disclosure filers, including over 37,000 filers new to the system this year, would not be able to implement, on July 1, the requirements contained in this bill.
  - There is one employee in EBLR. The office is funded by trust fund dollars for Executive Branch lobbying administration only. That employee would not be able to handle the influx of IT work and support work for lobbyists.
  - Staff of the Florida Commission on Ethics would need to assist with the changes and test of programming necessitated by the requirement to provide access to local officials.

That would require some of the same staff currently working on financial disclosure e-filing. Those employees would not have availability for this project.

- It is unlikely that the required programming changes could be developed, tested, and implemented for a July 1 effective date.

**FISCAL IMPACT:**

With the possibility of lobbyists for county, city, and special districts possibly needing to access the electronic lobbyist registration system, an unknown number of lobbyists from over 2,500 government entities may need access and assistance.

OLITS will need to provide an estimate of the programming costs. It is our understanding the system was not built for expansion.

The Commission would need to hire a program manager to oversee the software update portion of the project from the EBLR perspective.

The Commission would also need to hire 1-5 additional staff. The number would depend on the workload created by the local lobbyist registration process. Depending on the number of complaints filed against local lobbyists/principals, the Commission could need to hire additional investigators and/or attorneys.

If more than one other employee needs to be hired, additional office space may be required.

A funding source other than the EBLR Trust Fund may be needed for the local registration aspect of the registration system. Alternatively, those employees would work directly for the Commission, in which case, the Commission may need additional office space, at a cost of \$18 per square foot. It should be noted that EBLR and Legislative lobbyist registration is co-located at the Pepper Building. The local registration employee(s) would likely be located at the Commission's office.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 782

INTRODUCER: Senator Yarborough

SUBJECT: Election Board Composition

DATE: January 26, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cleary</u>	<u>Roberts</u>	<u>EE</u>	<b>Favorable</b>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 782 revises membership requirements for precinct election boards to require each board to include at least one member from each of the two largest political parties in the state.

The proposed bill takes effect July 1, 2024.

**II. Present Situation:**

**Precinct Election Boards**

The supervisor of elections of each county must, at least 20 days prior to the holding of any election, appoint an election board composed of poll workers who serve as clerks<sup>1</sup> or inspectors for each precinct<sup>2</sup> in the county.<sup>3</sup> Election boards have a number of statutory duties relating to the conduct of elections, including:<sup>4</sup>

- Attend the polling place by 6:00 a.m. of the day of the election.<sup>5</sup>

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<sup>1</sup> The Florida Division of Elections Polling Place Procedure Manual, DS-DE 11 Eff. 04/2020, p. 5, <http://www.flrules.org/Gateway/reference.asp?No=Ref-11592>, defines the “Clerk” as the person in charge of a polling place during an election. The term also refers to the supervisor or site manager at early voting sites.

<sup>2</sup> *Id.* The Polling Place Procedures Manual defines “Precinct” as the geographic areas that local government had divided for election purposes. The voter’s residential address within a particular geographic area determines which issues and offices a voter can vote upon in an election.

<sup>3</sup> Section 102.012(1)(a), Fla. Stat. *See also* s. 102.012(1)(b), Fla. Stat. (If two or more precincts share the same building and voting place, the supervisor of elections may appoint one election board for the collocated precincts. The supervisor must provide that a sufficient number of poll workers are appointed to adequately handle the processing of the voters in the collocated precincts).

<sup>4</sup> *See also* Florida Division of Elections Polling Place Procedure Manual, DS-DE 11 Eff. 04/2020, <http://www.flrules.org/Gateway/reference.asp?No=Ref-11592> (Rule 1S-2.034, F.A.C. requires the Department of State, Division of Elections to create a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws).

<sup>5</sup> Section 102.012(4), Fla. Stat.

- Arrange the furniture, stationery, and voting equipment.<sup>6</sup>
- Conduct the voting, beginning and closing at the time set forth in statute.<sup>7</sup>
- Counting ballots cast and securing the voting devices against further voting.<sup>8</sup>
- Counting the votes and proclaiming the results.<sup>9</sup>

Election boards are empowered to conduct elections in a proper manner and vested with the police power in this regard.<sup>10</sup> Such boards have full authority to maintain order at the polls and to enforce obedience to their lawful commands during an election and during the canvass of the votes.<sup>11</sup> In all questions that may arise before the members of an election board, the decision of a majority will decide the question.<sup>12</sup>

The clerk is in charge of and responsible for seeing that the election board carries out its duties and responsibilities.<sup>13</sup> The supervisor of elections must conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials.<sup>14</sup> The supervisor of elections of each county is responsible for the attendance and diligent performance of his or her duties by each clerk and inspector.<sup>15</sup>

No election board shall be composed solely of members of one political party.<sup>16</sup> A person whose name appears on the ballot as an opposed candidate is not eligible to serve on an election board.<sup>17</sup> In any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party.<sup>18</sup> Each member of the election board must be able to read and write the English language and be a registered qualified elector of the county in which the member is appointed or a person who has preregistered to vote, pursuant to s. 97.041(1)(b).<sup>19</sup>

Each inspector and each clerk must take and subscribe to an oath or affirmation, which must be written or printed, to the effect that such individual will perform the duties of inspector or clerk of election according to law and will endeavor to prevent all fraud, deceit, or abuse in conducting the election.<sup>20</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, referring to s. 100.011, Fla. Stat.

<sup>8</sup> Section 101.5614(1), Fla. Stat.

<sup>9</sup> Section 102.071, Fla. Stat.

<sup>10</sup> *See Joughin v. Parks*, 107 Fla. 833, 147 So. 273 (1933).

<sup>11</sup> Section 102.031(1), Fla. Stat.

<sup>12</sup> Section 102.012(1)(a), Fla. Stat.

<sup>13</sup> *Id.*

<sup>14</sup> Section 102.014, Fla. Stat.

<sup>15</sup> Section 102.012(1)(a), Fla. Stat.

<sup>16</sup> Section 102.012(2), Fla. Stat.

<sup>17</sup> *Id.*; *See State ex rel. Thursby v. Gessner*, 124 Fla. 321, 168 So. 529 (1936 (Where more than one political party has become subject to primary election laws, this section requiring selection of inspectors of election from different political parties should be followed, where it is practicable to secure services of qualified persons belonging to more than one of participating parties.)).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Section 102.012(1)(a), Fla. Stat.

**III. Effect of Proposed Changes:**

The bill amends s. 102.012, to revise membership requirements for precinct election boards to require each board to include at least one member from each of the two largest political parties in the state.<sup>21</sup>

The proposed bill takes effect July 1, 2024.

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

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

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<sup>21</sup> Currently in Florida there are two Major Political Parties registered with the state of Florida: The Republican Party of Florida and The Florida Democratic Party. There are several Minor Political Parties registered in Florida. (See Florida Department of State, Division of Election, *Political Parties* <https://dos.fl.gov/elections/candidates-committees/political-parties>. (Last visited January 24, 2024) A person registered to vote without a party affiliation, is designated to reflect no party affiliation or “NPA.” The NPA designation does not constitute a political party. The Florida Constitution provides that political party functions may be regulated by law. (See Art. VI, s. 1, Fla. Const.) Under the Florida Election Code, a minor political party is any group as specified by statute under section 103.095, which on January 1, preceding a primary election does not have registered as members 5% of the total registered electors of the state. (See s. 97.021(20), Fla. Stat.)



C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 102.012 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Yarborough

4-00396-24

2024782\_\_

1                                   A bill to be entitled  
2           An act relating to election board composition;  
3           amending s. 102.012, F.S.; requiring an election board  
4           to include members from certain political parties;  
5           providing an effective date.

6

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

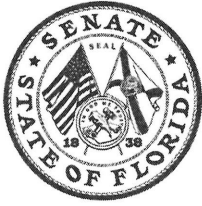
8

9           Section 1. Subsection (2) of section 102.012, Florida  
10 Statutes, is amended to read:

11           102.012 Inspectors and clerks to conduct elections.—

12           (2) Each member of the election board shall be able to read  
13 and write the English language and shall be a registered  
14 qualified elector of the county in which the member is appointed  
15 or a person who has preregistered to vote, pursuant to s.  
16 97.041(1)(b), in the county in which the member is appointed. An  
17 ~~No~~ election board may not shall be composed solely of members of  
18 one political party and must include at least one member from  
19 each of the two largest political parties in the state; however,  
20 in any primary in which only one party has candidates appearing  
21 on the ballot, all clerks and inspectors may be of that party.  
22 Any person whose name appears as an opposed candidate for any  
23 office shall not be eligible to serve on an election board.

24           Section 2. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

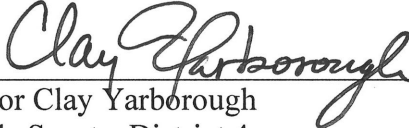
**Subject:** Committee Agenda Request

**Date:** January 16, 2024

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I respectfully request that **Senate Bill #782**, relating to Election Board Composition, be placed on the:

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

  
\_\_\_\_\_  
Senator Clay Yarborough  
Florida Senate, District 4

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

01/29/2024

Meeting Date

782

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Mary K. Winn

Phone (850) 766-2612

Address 2370 Carefree Cove

Street

Email kathywinn980@gmail.com

Tallahassee FL 32308

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 782

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Jan 29, 2024

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name LINDA EDSON

Volunteer with League of Women Veterans

Phone 850-510-2729

Address 1841 Myrick Rd

Street

Email edsonl@netfally.com

Tallahassee, FL

City

32303

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 1052

INTRODUCER: Community Affairs and Senator Hutson

SUBJECT: Inactive Special Districts

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Fav/CS
2.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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## I. Summary:

CS/SB 1052 dissolves the following special districts created by special act, which have been declared inactive by the Department of Commerce, and repeals their enabling laws:

- Calhoun County Transportation Authority.
- Dead Lakes Water Management District.
- Highland View Water and Sewer District.
- West Orange Airport Authority.

The bill also dissolves the Sunny Isles Reclamation and Water Control Board and repeals the judicial order establishing the district.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See sections 189.02(1), 189.031(3), and 190.005(1), F.S. See generally section 189.012(6), F.S.

in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as "dependent" if the governing body of a single county or municipality:

- Serves as the governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district's governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>4</sup>

A district is classified as "independent" if it does not meet one of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.<sup>5</sup>

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating a special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>6</sup>

The Special District Accountability Program within the Department of Commerce (department) is responsible for maintaining and electronically publishing the official list of all special districts.<sup>7</sup> This list includes all active special districts, as well as a separate list of those districts declared inactive.<sup>8</sup>

### **Inactive Special Districts**

Whether dependent or independent, the department must declare a special district inactive if it meets one of the following criteria:

- The registered agent of the district, the chair of the district's governing body, or the governing body of the appropriate county or municipality:
  - Provides written notice to the department that the district has taken no action for two or more years;
  - Provides written notice to the department that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for two or more years; or
  - Fails to respond to an inquiry by the department within 21 days.<sup>9</sup>

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<sup>3</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited January 24, 2024).

<sup>4</sup> Section 189.012(2), F.S.

<sup>5</sup> Section 189.012(3), F.S.

<sup>6</sup> Art. VII, s. 9(a), Fla. Const.

<sup>7</sup> Section 189.061, F.S.

<sup>8</sup> Sections 189.061 and 189.062(6), F.S.

<sup>9</sup> Section 189.062(1)(a)1.-3., F.S.

- The department determines the district failed to file certain specified reports,<sup>10</sup> including required financial reports.<sup>11</sup>
- The district has not had a registered office or agent on file with the department for one or more years.<sup>12</sup>
- The governing body of the district provides documentation to the department that it has unanimously adopted a resolution declaring the district inactive.<sup>13</sup>

After the department determines at least one of these criteria applies to the special district, a notice of the proposed declaration of inactive status may be published by the department, the county or municipality for the area where the district is located, or the district itself. The notice must be published in a newspaper of general circulation in the county or municipality where the special district is located, and a copy of the notice must be sent by certified mail to the registered agent or chair of the district's board.<sup>14</sup> The notice must include the name of the district, the law under which the district was organized and operating, a general description of the territory of the district, and a statement that any objections to the declaration must be filed pursuant to chapter 120, F.S.,<sup>15</sup> within 21 days after the publication date. If no objection is filed within the 21-day period, the department declares the district inactive.<sup>16</sup>

After declaring a special district inactive, the department must send written notice of the declaration to the authorities that created the district.<sup>17</sup> This notification is intended to facilitate the process of dissolving districts that have been declared inactive.<sup>18</sup> For districts created by special act, the declaration of inactive status fulfills the constitutional notice requirement for the repeal of those special acts.<sup>19</sup> Current law also provides that the special acts creating or amending the charter of an inactive special district may be repealed by general law.<sup>20</sup>

A district declared inactive may not collect taxes, fees, or assessments until the declaration of invalid status is withdrawn, revoked by the department, or invalidated in an administrative proceeding or civil action.<sup>21</sup> Any property and assets of a special district declared inactive must first be used to pay any debts of the district,<sup>22</sup> and any remaining property or assets then escheat to the county or municipality in which the district is located. If the district's property or assets are insufficient to pay its outstanding debts, the county or municipality in which the district was located may assess and levy taxes within the territory of the inactive district as necessary to pay the remaining debt.

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<sup>10</sup> Section 189.066, F.S.

<sup>11</sup> Section 189.062(1)(a)4., F.S. *See also* sections 189.016(9), 218.32, and 218.39, F.S.

<sup>12</sup> Section 189.062(1)(a)5., F.S.

<sup>13</sup> Section 189.062(1)(a)6., F.S.

<sup>14</sup> Section 189.062(1)(b), F.S.

<sup>15</sup> Chapter 120, F.S., is the Administrative Procedure Act.

<sup>16</sup> Section 189.062(1)(c), F.S.

<sup>17</sup> Section 189.062(3), F.S.

<sup>18</sup> *See* sections 189.071(3) and 189.072(3), F.S.

<sup>19</sup> Section 189.062(3)(a), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 189.062(5), F.S.

<sup>22</sup> Section 189.062(2), F.S.



Declaring a special district inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature or the county or municipality that created the district.<sup>23</sup>

### **Water Control Districts**

Chapter 298, F.S., governs the creation and operation of water control districts (WCD). A WCD has authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>24</sup> Prior to July 1, 1980, the authority to create a WCD was delegated to circuit courts by statute, with WCDs created by the submission of a petition signed by a majority of the landowners in the area of the proposed district to the circuit court that had jurisdiction over the area.<sup>25</sup> Today, WCDs may be created only by special act or county ordinance.<sup>26</sup> The charter of a district that predates July 1, 1980, may only be modified by special act.<sup>27</sup>

### **III. Effect of Proposed Changes:**

The bill dissolves the following special districts created by special act, which have been declared inactive by the department, and repeals their enabling laws:

- Calhoun County Transportation Authority.<sup>28</sup>
- Dead Lakes Water Management District.<sup>29</sup>
- Highland View Water and Sewer District.<sup>30</sup>
- West Orange Airport Authority.<sup>31</sup>

Notwithstanding s. 189.072(3), F.S., the bill dissolves the Sunny Isles Reclamation and Water Control Board and repeals the judicial order establishing the district.<sup>32</sup> This district was initially created pursuant to authority delegated to circuit courts to create WCDs. As a district created by the petition process, which process was repealed in 1980, the charter of the district would otherwise only be subject to revision by special act.

The bill takes effect July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>23</sup> Section 189.062(4), F.S.

<sup>24</sup> Section 298.22, F.S.

<sup>25</sup> See section 298.01, F.S. (authorizing “water control districts established prior to July 1, 1980, pursuant to the process formerly contained in this section and former ss. 298.02 and 298.03, may continue to operate as outlined in this chapter.”) See also section 298.01, F.S. (1980) and ch. 79-5, ss. 1-3, Laws of Fla. Originally, the Board of Drainage Commissioners for the State also had authority to prepare and file a petition to form a drainage district. See ch. 6458, s. 1, Laws of Fla. (1913).

<sup>26</sup> Section 298.01, F.S.

<sup>27</sup> See section 298.76(5), F.S.

<sup>28</sup> Ch. 76-341, Laws of Fla.

<sup>29</sup> Ch. 57-1115, Laws of Fla.

<sup>30</sup> Chs. 61-2212 and 85-417, Laws of Fla.

<sup>31</sup> Chs. 99-482 and 2007-305, Laws of Fla.

<sup>32</sup> Decree 66C-7402, entered by the circuit court in and for the Eleventh Circuit Court.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals the following sections of the Laws of Florida: 1976-341, 1957-1115, 1990-412, 2001-346, 1961-2212, 1985-417, 1999-482, 2007-305.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on January 29, 2024:**

The CS removes the Emerald Coast Bridge Authority from the list of special districts to be dissolved.

- B. **Amendments:**

None.



303710

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Hutson) recommended the following:

**Senate Amendment**

Delete lines 20 - 26  
and insert:

(3) Chapters 61-2212 and 85-417, Laws of Florida, are repealed and the Highland View Water and Sewer District is dissolved.

(4) Chapters 99-482 and 2007-305, Laws of Florida, are repealed and the West Orange Airport Authority is dissolved.

By Senator Hutson

7-01330-24

20241052\_\_

1                   A bill to be entitled  
2           An act relating to inactive special districts;  
3           dissolving special districts that have been declared  
4           inactive and repealing their enabling laws; providing  
5           an exception to general law; dissolving the Sunny  
6           Isles Reclamation and Water Control Board and  
7           repealing the judicial order establishing the  
8           district; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. The following special districts, which are no  
13 longer operating and have been declared inactive by the  
14 Department of Commerce pursuant to s. 189.062, Florida Statutes,  
15 are hereby dissolved and their enabling laws are repealed:

16           (1) Chapter 76-341, Laws of Florida, is repealed and the  
17 Calhoun County Transportation Authority is dissolved.

18           (2) Chapter 57-1115, Laws of Florida, is repealed and the  
19 Dead Lakes Water Management District is dissolved.

20           (3) Chapters 90-412 and 2001-346, Laws of Florida, are  
21 repealed and the Emerald Coast Bridge Authority is dissolved.

22           (4) Chapters 61-2212 and 85-417, Laws of Florida, are  
23 repealed and the Highland View Water and Sewer District is  
24 dissolved.

25           (5) Chapters 99-482 and 2007-305, Laws of Florida, are  
26 repealed and the West Orange Airport Authority is dissolved.

27           Section 2. Notwithstanding s. 189.072(3), Florida Statutes,  
28 Decree 66C-7402 entered by the circuit court in and for the  
29 Eleventh Circuit Court pursuant to chapter 298, Florida Statutes

7-01330-24

20241052\_\_

30 (1966), is repealed and the Sunny Isles Reclamation and Water  
31 Control Board is dissolved.

32 Section 3. This act shall take effect July 1, 2024.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 1058

INTRODUCER: Community Affairs Committee and Senator Hutson

SUBJECT: Special Districts

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Fav/CS
2.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1058 revises provisions relating to special districts. A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Specifically the bill makes changes by:

- Creating a 12-year consecutive term limit for elected members of governing bodies of most types of independent special districts;
- Providing that boundaries of independent special districts may only be changed by an act of the Legislature, with an exception;
- Repealing provisions that allow special districts to convert to a municipality without legislative approval;
- Adding additional criteria for declaring a special district inactive;
- Revising notice and procedures for proposed declaration of inactive status;
- Authorizing districts that have been declared inactive to expend funds in certain instances;
- Requiring all special districts to adopt goals and objectives, as well as performance measures and standards to determine if those goals and objectives are being achieved;
- Requiring independent special fire control districts to report certain information to the Division of the State Fire Marshal;
- Reducing the maximum ad valorem millage rate that may be levied by a mosquito control district from 10 mills to one mill;
- Requiring mosquito control districts to meet certain conditions required to participate in state programs; and

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

- Prohibiting the creation of new safe neighborhood improvement districts and requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of existing safe neighborhood improvement districts.

The bill may have an insignificant fiscal impact on state government and an indeterminate fiscal impact on local governments.

The effective date of this bill is July 1, 2024.

## II. Present Situation:

### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>2</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>3</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>4</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>5</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms;
- or
- Approves or can veto the budget of the district.<sup>6</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.<sup>7</sup>

The Special District Accountability Program within the Department of Commerce (department) is responsible for maintaining and electronically publishing the official list of all special

<sup>2</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>3</sup> See sections 189.02(1), 189.031(3), and 190.005(1), F.S. See generally section 189.012(6), F.S.

<sup>4</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited January 24, 2024).

<sup>5</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., sections 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>6</sup> Section 189.012(2), F.S.

<sup>7</sup> Section 189.012(3), F.S.



districts.<sup>8</sup> This list includes all active special districts, as well as a separate list of those declared inactive.<sup>9</sup> According to the official list, as of January 14, 2024, the state had 1,979 special districts, of which 1,366 are independent special districts and 613 are dependent districts.<sup>10</sup> Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).<sup>11</sup> The USDAA centralizes provisions governing special districts and applies to the formation,<sup>12</sup> governance,<sup>13</sup> administration,<sup>14</sup> supervision,<sup>15</sup> merger,<sup>16</sup> and dissolution<sup>17</sup> of special districts, unless otherwise expressly provided in law.<sup>18</sup> The USDAA requires notice and publication of tentative budgets and final budgets.<sup>19</sup> Certain budget amendments are allowed up to 60 days following the end of the fiscal year.<sup>20</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>21</sup>

### ***Community Development Districts***

Community development districts (CDDs) are a type of independent special district intended to provide urban community services in a cost-effective manner by managing and financing the delivery of basic services and capital infrastructure to developing communities without overburdening other governments and their taxpayers.<sup>22</sup> As of January 14, 2024, there are 960 active CDDs in Florida.<sup>23</sup>

The method for establishing a CDD depends upon its size. CDDs of 2,500 acres or more, or located in multiple counties or municipalities, are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)<sup>24</sup> to adopt an administrative rule creating the district.<sup>25</sup> Each petition to establish a CDD must contain:

- A metes and bounds description of the boundaries of the district;
- Written consent to be included in the district from all landowners in the boundaries;
- A list of five persons who shall serve as the interim board of supervisors of the district until elections may be called;

<sup>8</sup> Section 189.061, F.S.

<sup>9</sup> Sections 189.061, 189.062(6), F.S.

<sup>10</sup> Dept. of Commerce, Special District Accountability Program, *Official List of Special Districts*, available at <https://specialdistrictreports.floridajobs.org/OfficialList/CustomList> (last visited January 24, 2024).

<sup>11</sup> Section 189.01, F.S., *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

<sup>12</sup> *See* sections 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).

<sup>13</sup> *See* section 189.0311, F.S. (charter requirements for independent special districts).

<sup>14</sup> *See* section 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

<sup>15</sup> *See* section 189.0651, F.S. (oversight for special districts created by special act of the Legislature).

<sup>16</sup> Sections 189.071 and 189.074, F.S.

<sup>17</sup> Sections 189.071 and 189.072, F.S.

<sup>18</sup> *See* section 190.004, F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

<sup>19</sup> Section 189.016(4), F.S.

<sup>20</sup> Section 189.016(6), F.S.

<sup>21</sup> *See* ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>22</sup> Section 190.002(1)(a), F.S.

<sup>23</sup> Dept. of Commerce, *supra* note 9.

<sup>24</sup> Created by section 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet.

<sup>25</sup> Section 190.005(1), F.S.

- The name of the proposed district;
- A map of the district showing current major trunk water mains and sewer interceptors and outfalls, if any;
- The proposed timetable for construction of the district services and the estimated cost of constructing the proposed services;
- A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act; and
- A statement of estimated regulatory costs.<sup>26</sup>

A copy of the petition must be filed with each county or municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.<sup>27</sup> The counties or municipalities may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.<sup>28</sup> Additionally, a public hearing on the petition before an administrative law judge must be held in the county where the CDD will be located.<sup>29</sup> Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final consideration with the petition.<sup>30</sup> If the petition is approved, the FLWAC initiates proceedings to adopt the rule creating the CDD.

The process for establishing a CDD of less than 2,500 acres follows the same procedural steps, but is approved by local ordinance as follows:

- All land that is in unincorporated areas of the county, by county ordinance.
- Land that includes unincorporated areas and portions of a municipality, by county ordinance subject to municipal approval.
- All land that is in a single municipality, by municipal ordinance.<sup>31</sup>

Each CDD is governed by a five-member board elected by the landowners of the district on a one-acre, one-vote basis.<sup>32</sup> Board members serve four-year terms, except some initial board members serve a two-year term for the purpose of creating staggered terms.<sup>33</sup> After the sixth year (for districts of up to 5,000 acres) or the tenth year (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district<sup>34</sup>) following the CDD's creation, each member of the board is subject to election by the electors of the district at the conclusion of their term. However, this transition does not occur if the district has fewer than 250 (for districts of up to 5,000 acres) or

<sup>26</sup> Section 190.005(1)(a), F.S.

<sup>27</sup> Section 190.005(1)(b), F.S.

<sup>28</sup> Section 190.005(1)(c), F.S.

<sup>29</sup> Section 190.005(1)(d), F.S.

<sup>30</sup> Section 190.005(1)(e), F.S.

<sup>31</sup> Section 190.005(2), F.S. The county approval process may be used for proposed CDDs of up to 7,000 acres if the CDD is located in a connected-city corridor established pursuant to s. 163.3246, F.S.

<sup>32</sup> Section 190.006(2), F.S.

<sup>33</sup> Section 190.006(1), F.S.

<sup>34</sup> Section 190.006(3)(a)2.a., F.S. A "compact, urban, mixed-use district" is a district located within a municipality and within a CRA, that consists of a maximum of 75 acres, and has development entitlements of at least 400,000 square feet of retail development and 500 residential units. S. 190.003(7), F.S.

500 (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district) qualified electors.<sup>35</sup>

### ***Community Redevelopment Agencies***

The Community Redevelopment Act of 1969 authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas.<sup>36</sup> An area is defined as blighted if there are a substantial number of deteriorated structures causing economic distress or endangerment to life or property and two or more of the following factors are present:

- Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the five years prior to the finding of such conditions;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary or unsafe conditions;
- Deterioration of site or other improvements;
- Inadequate and outdated building density patterns;
- Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- Tax or special assessment delinquency exceeding the fair value of the land;
- Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- Incidence of crime in the area higher than in the remainder of the county or municipality;
- Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area;
- Governmentally owned property with adverse environmental conditions caused by a public or private entity; or
- A substantial number or percentage of properties damaged by sinkhole activity that have not been adequately repaired or stabilized.<sup>37</sup>

An area also may be classified as blighted if one of the above factors is present and all taxing authorities with jurisdiction over the area have agreed that the area is blighted by either interlocal agreement or by passage of a resolution by the governing bodies of such taxing authorities.<sup>38</sup>

An area is considered a slum if it has physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of

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<sup>35</sup> Section 190.006(3)(a)2.b., F.S.

<sup>36</sup> Ch. 163, part III, F.S.

<sup>37</sup> Section 163.340(8), F.S.

<sup>38</sup> *Id.*

buildings or improvements which are impaired by reason of dilapidation, deterioration, age, or obsolescence, with one of the following factors present:

- Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- High density of population, compared to the population density of adjacent areas within the county or municipality, and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- The existence of conditions that endanger life or property by fire or other causes.<sup>39</sup>

CRA may not levy or collect taxes; however, the county or municipality that created the CRA may establish a community redevelopment trust fund that is funded through tax increment financing (TIF). The amount of TIF available to the agency in a given year is equal to an amount — set by the county or municipality that created the CRA — between 50 and 95 percent of the difference between:

- The amount of ad valorem taxes levied in the current year by each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area; and
- The amount of ad valorem taxes that would have been produced by levying the current year's millage rate for each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area at the total assessed value of the taxable real property prior to the effective date of the ordinance providing for the redevelopment trust fund.<sup>40</sup>

As of January 14, 2024, there are 220 active CRAs statewide.<sup>41</sup>

### ***Independent Special Fire Control Districts***

An independent special fire control district is a type of independent special district created by the Legislature to provide fire suppression and related activities within the territorial jurisdiction of the district.<sup>42</sup> As of January 14, 2024, there were 54 active independent special fire control districts.<sup>43</sup>

The Independent Special Fire Control District Act (ISFCDA)<sup>44</sup> provides standards, direction, and procedures for the uniform operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and elections.<sup>45</sup> The ISFDCA controls over more specific provisions in any special act or general law of local application creating a fire control district's charter,<sup>46</sup> requires every fire control district be governed by a five-member board,<sup>47</sup> and provides:

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<sup>39</sup> Section 163.340(7), F.S.

<sup>40</sup> Section 163.387(1)(a), F.S.

<sup>41</sup> Dept. of Commerce, *supra* note 9.

<sup>42</sup> Section 191.003(5), F.S.

<sup>43</sup> Dept. of Commerce, *supra* note 10.

<sup>44</sup> Ch. 191, F.S.

<sup>45</sup> Section 191.002, F.S.

<sup>46</sup> Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

<sup>47</sup> Section 191.005(1)(a), F.S. (fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997).

- General powers;<sup>48</sup>
- Special powers;<sup>49</sup>
- Authority and procedures for the assessment and collection of ad valorem taxes;<sup>50</sup>
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;<sup>51</sup> and
- Issuance of district bonds and evidence of debt.<sup>52</sup>

Fire control districts may levy ad valorem taxes on real property within the district of no more than 3.75 mills unless a greater amount was previously authorized.<sup>53</sup> A district also may levy non-ad valorem assessments and adopt a schedule of reasonable fees for services performed.<sup>54</sup> Additionally, the district board may impose an impact fee if authorized by law and the local general purpose government has not adopted an impact fee for fire services that is distributed to the district for the purchase of new facilities and equipment.<sup>55</sup>

The Division of State Fire Marshal (division) is responsible for establishing training courses and examinations necessary to obtain a firefighter or volunteer firefighter certification.<sup>56</sup> The division is responsible for issuing a certificate of compliance to any firefighter or volunteer firefighter who completes a minimum standards course or show proof of equivalent training in another state, and passes an exam within one year of completing the minimum standards course.<sup>57</sup> Additionally, the applicant must be in good physical condition, as determined by a medical examination, and have good moral character, as determined by a background investigation that includes the processing of fingerprints for a national criminal background check.<sup>58</sup>

### ***Mosquito Control Districts***

Mosquito control districts (MCDs) are created to protect health and safety, improve quality of life, promote economic development, and allow for the enjoyment of natural attractions of the state by reducing the number of insects that transmit disease within their boundaries.<sup>59</sup> An MCD may contain part or all of a county or municipality.<sup>60</sup> As of January 14, 2024, there are 18 mosquito control districts: 15 independent and three dependent districts.<sup>61</sup>

<sup>48</sup> Section 191.006, F.S. (e.g. the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

<sup>49</sup> Section 191.008, F.S.

<sup>50</sup> Sections 191.006(14) and 191.009(1), F.S.

<sup>51</sup> Sections 191.006(11) and (15); 191.009(2), (3), and (4); and 191.011, F.S.

<sup>52</sup> Section 191.012, F.S.

<sup>53</sup> Section 191.009(1), F.S. *But see* art. VII, s. 9, Fla. Const. (special districts may not levy an ad valorem tax in excess of the millage “authorized by law approved by vote of the electors.”)

<sup>54</sup> Sections 191.009(2)-(3), F.S. If the district levies a non-ad valorem assessment to fund emergency medical and transport services, the district is prohibited from levying an ad valorem tax to fund those services.

<sup>55</sup> Section 191.009(4), F.S.

<sup>56</sup> Section 633.408(1), F.S.

<sup>57</sup> Section 633.408(4)(a)-(b), F.S.

<sup>58</sup> Section 633.408(4)(c) and 633.412, F.S.

<sup>59</sup> Section 388.0101 and 388.011(5), F.S.

<sup>60</sup> Section 388.021(1), F.S.

<sup>61</sup> Dept. of Commerce, *supra* note 10.

The creation of new MCDs has been prohibited since July 1, 1980.<sup>62</sup> In counties without a district, the board of county commissioners may exercise the rights, powers, and duties authorized by statute for a MCD or may direct the county health department to do so.<sup>63</sup> Mosquito control districts may levy an ad valorem tax of up to 10 mills on real and personal property within the district.<sup>64</sup>

The Department of Agriculture and Consumer Services (DACS) is responsible for coordinating the activities of MCDs receiving state funds.<sup>65</sup> To be eligible to receive state funds for arthropod control during a local government fiscal year, each MCD must submit a tentative work plan and detailed work plan budget to DACS by July 15 of the preceding fiscal year. The work plan and budget may be amended by the district with DACS approval.<sup>66</sup> Each district is also required to submit an expenditure report for the preceding month within 30 days after the end of that month.<sup>67</sup>

### ***Neighborhood Improvement Districts***

A neighborhood improvement district (NID) (also known as a “safe neighborhood improvement district”) is a district located in an area in which more than 75 percent of the land is used for residential purposes or for commercial, office, business, or industrial purposes and where there is a plan to reduce crime through environmental design, environmental security, defensible space techniques, or community policing innovations.<sup>68</sup>

A NID can be one of four types of districts:

- A Local Government NID,<sup>69</sup>
- A Property Owners’ Association NID,<sup>70</sup>
- A Special NID,<sup>71</sup> or
- A Community Redevelopment NID.<sup>72</sup>

An NID must be created through the adoption of a planning ordinance by the governing body of the applicable municipality or county pursuant to the applicable procedure in ss. 163.506, 163.508, 163.511, or 163.512.<sup>73</sup> Each NID must register with the Department of Commerce within 30 days of formation and provide the district’s name, location, size, type, and any other information required by the Department of Commerce.<sup>74</sup>

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<sup>62</sup> Section 388.021(2), F.S.

<sup>63</sup> Sections 388.241 and 388.251, F.S. The county health department must keep the books and make all reports require under ch. 388, F.S., and all purchases, whether by bid or otherwise, must be made in accordance with the procedures allowed by the board of county commissioners. The health department must also submit to the board of county commissioners itemized monthly statements of expenses incurred in carrying out the control program in the county.

<sup>64</sup> Section 388.221(1), F.S.

<sup>65</sup> Section 388.271(1), F.S.

<sup>66</sup> Section 288.281, F.S.

<sup>67</sup> Section 388.341, F.S. The reports must detail activities and accomplishments as may be required by DACS.

<sup>68</sup> Section 163.503(1), F.S.

<sup>69</sup> Section 163.506, F.S.

<sup>70</sup> Section 163.508, F.S.

<sup>71</sup> Section 163.511, F.S.

<sup>72</sup> Section 163.512, F.S.

<sup>73</sup> Section 163.504, F.S.

<sup>74</sup> Section 163.5055(1), F.S.

Unless preempted by ordinance, an NID can:

- Enter into contracts and agreements and sue and be sued as a body corporate.
- Have and use a corporate seal.
- Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- Cooperate and contract with other governmental agencies or other public bodies.
- Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- Contract with the county or municipal government for planning assistance, and for increased levels of law enforcement protection and security, including additional personnel.
- Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
- Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- Improve street lighting, parks, streets, drainage, utilities, swales, and open areas, and provide safe access to mass transportation facilities in the district.
- Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- Subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635 to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an affirmative vote by a majority of the registered voters residing in the district. Such assessments shall not exceed \$500 for each individual parcel of land per year. Notwithstanding the provisions of s. 101.6102, the referendum to approve the special assessment shall be by mail ballot.<sup>75</sup>

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<sup>75</sup> Section 163.514, F.S.

If approved at a referendum, a Local Government NID or Special NID may be authorized to levy an ad valorem tax of up to 2 mills annually.<sup>76</sup> A Property Owners' Association NID may collect assessments related to common areas within the district.<sup>77</sup> A Community Redevelopment NID may use the community redevelopment trust fund created pursuant to s. 163.387 for specified purposes.<sup>78</sup>

As of January 14, 2024, there are 21 active NIDs in the state.<sup>79</sup> Eighteen of those are Local Government NIDs, two are Special NIDs, and one is a Property Owners' Association NID.<sup>80</sup>

### Inactive Special Districts

Whether dependent or independent, the department must declare a special district inactive if it meets one of the following criteria:

- The registered agent of the district, the chair of the district's governing body, or the governing body of the appropriate county or municipality:
  - Provides written notice to the department that the district has taken no action for two or more years;
  - Provides written notice to the department that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for two or more years; or
  - Fails to respond to an inquiry by the department within 21 days.<sup>81</sup>
- The department determines the district failed to file certain specified reports,<sup>82</sup> including required financial reports.<sup>83</sup>
- The district has not had a registered office or agent on file with the department for one or more years.<sup>84</sup>
- The governing body of the district provides documentation to the department that it has unanimously adopted a resolution declaring the district inactive.<sup>85</sup>

After the department determines at least one of these criteria applies to the special district, a notice of the proposed declaration of inactive status may be published by the department, the county or municipality for the area where the district is located, or the district itself. The notice must be published in a newspaper of general circulation in the county or municipality where the special district is located, and a copy of the notice must be sent by certified mail to the registered agent or chair of the district's board.<sup>86</sup> The notice must include the name of the district, the law under which the district was organized and operating, a general description of the territory of the district, and a statement that any objections to the declaration must be filed pursuant to chapter

<sup>76</sup> Sections 163.506(1)(c) and 163.511(1)(b), F.S.

<sup>77</sup> Section 163.508(3)(c), F.S.

<sup>78</sup> Section 163.512(1)(c), F.S.

<sup>79</sup> Dept. of Commerce, *supra* note 10.

<sup>80</sup> There is also one active Preservation and Enhancement District pursuant to s. 163.524, F.S., that appears unrelated to the substance of this bill.

<sup>81</sup> Section 189.062(1)(a)1.-3., F.S.

<sup>82</sup> Section 189.066, F.S.

<sup>83</sup> Section 189.062(1)(a)4., F.S. *See* ss. 189.016(9), 218.32, and 218.39, F.S.

<sup>84</sup> Section 189.062(1)(a)5., F.S.

<sup>85</sup> Section 189.062(1)(a)6., F.S.

<sup>86</sup> Section 189.062(1)(b), F.S.



120, F.S.,<sup>87</sup> within 21 days after the publication date. If no objection is filed within the 21-day period, the department declares the district inactive.<sup>88</sup>

Additionally, a CRA must be declared inactive if it has reported no revenue, no expenditures, and no debt for in its annual financial reports and annual financial audit reports for six consecutive fiscal years beginning on October 1, 2016.<sup>89</sup> The declaration must be delivered to the governing body or registered agent of the agency, unless the agency does not have one, in which case the declaration is delivered to the governing body of the county or municipality that created the CRA. Upon receipt of the declaration, the governing body of the CRA has 30 days to seek to invalidate the declaration by filing a petition for administrative hearing or filing for declaratory and injunctive relief in the circuit court.<sup>90</sup> A CRA that has been declared inactive may expend funds from the redevelopment trust fund only as necessary to service outstanding bond debt.<sup>91</sup>

After declaring a special district inactive, the department must send written notice of the declaration to the authorities that created the district.<sup>92</sup> This notification is intended to facilitate the process of dissolving districts that have been declared inactive.<sup>93</sup> For districts created by special act, the declaration of inactive status fulfills the constitutional notice requirement for the repeal of those special acts.<sup>94</sup> Current law also provides that the special acts creating or amending the charter of an inactive special district may be repealed by general law.<sup>95</sup>

A district declared inactive may not collect taxes, fees, or assessments until the declaration of invalid status is withdrawn, revoked by the department, or invalidated in an administrative proceeding or civil action.<sup>96</sup> Any property and assets of a special district declared inactive must first be used to pay any debts of the district,<sup>97</sup> and any remaining property or assets then escheat to the county or municipality in which the district is located. If the district's property or assets are insufficient to pay its outstanding debts, the county or municipality in which the district was located may assess and levy taxes within the territory of the inactive district as necessary to pay the remaining debt.

Declaring a special district inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature or the county or municipality that created the district.<sup>98</sup>

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<sup>87</sup> Chapter 120, F.S., is the Administrative Procedure Act.

<sup>88</sup> Section 189.062(1)(c), F.S.

<sup>89</sup> Section 163.3756(2)(a), F.S.

<sup>90</sup> Section 163.3756(2)(b), F.S.

<sup>91</sup> Section 163.3756(3), F.S.

<sup>92</sup> Section 189.062(3), F.S.

<sup>93</sup> See sections 189.071(3) and 189.072(3), F.S.

<sup>94</sup> Section 189.062(3)(a), F.S.

<sup>95</sup> *Id.*

<sup>96</sup> Section 189.062(5), F.S.

<sup>97</sup> Section 189.062(2), F.S.

<sup>98</sup> Section 189.062(4), F.S.

## Local Government Financial Reports and Audits

Florida law requires all units of local government, including special districts,<sup>99</sup> to complete annual financial reports and annual financial audit reports. Each district must submit its annual financial report to the Department of Financial Services (DFS) within nine months of the completion of its fiscal year.<sup>100</sup> If a district fails to file a completed annual financial report within the required period, DFS must notify the Legislative Auditing Committee and the Special District Accountability Program.<sup>101</sup>

Special districts with revenues or total expenditures and expenses exceeding \$100,000 must have an annual financial audit prepared by an independent certified public accountant, unless the district has been notified before the start of the fiscal year that the Auditor General will conduct a financial audit for that year.<sup>102</sup> Special districts with revenues (or a total of expenditures and expenses) between \$50,000 and \$100,000 are required to conduct a financial audit every three years.<sup>103</sup> The financial audit must be performed according to specific statutory criteria and the rules of the Auditor General.<sup>104</sup> The audit report for a dependent special district, except for a CRA with revenues (or a total of expenditures and expenses) in excess of \$100,000, may be included in the annual financial audit report of the county or municipality on which it is dependent. The audit report must be filed with the Auditor General within 45 days of its receipt by the district, but no later than nine months after the end of the fiscal year.<sup>105</sup>

The annual financial report and audit financial report for all special districts must specify separately:

- The total number of district employees compensated in the last pay period of the fiscal year being reported;
- The total number of independent contractors who received non-employee compensation during the last month of the fiscal year being reported;
- All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency;
- All compensation earned by or awarded to non-employee independent contractors, whether paid or accrued, regardless of contingency;
- Each construction project with a total cost of at least \$65,000 approved by the district to begin after October 1 of the fiscal year being reported and the total expenditures for the project; and
- A budget variance report<sup>106</sup> showing how district spending compared to the original budget for the year.<sup>107</sup>

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<sup>99</sup> Section 189.016(9), F.S., requires all special districts to complete annual financial reports and annual financial audit reports.

<sup>100</sup> A district that is required to complete a financial audit report must submit both reports within 45 days of the completion of the audit report, but still no later than nine months after the completion of the fiscal year. Section 218.32(1)(d), F.S.

<sup>101</sup> Section 218.32(1)(f), F.S.

<sup>102</sup> Section 218.39(1), F.S.

<sup>103</sup> Section 218.39(1)(h), F.S.

<sup>104</sup> Section 218.39(2)-(7), F.S. See ch. 10.550, Local Governmental Entity Audits (9-30-2023), at

[https://flauditor.gov/pages/pdf\\_files/10\\_550.pdf](https://flauditor.gov/pages/pdf_files/10_550.pdf) (last visited January 24, 2024).

<sup>105</sup> Section 218.39(7), F.S.

<sup>106</sup> A budget variance report sets out the difference between the budgeted amounts and actual expenses and revenues.

<sup>107</sup> Sections 218.32(1)(e)2.-3., F.S.

The annual financial report and annual financial audit report of each independent special district that levies ad valorem taxes or non-ad valorem special assessments must include the rates of such levies, the total amount collected by the levies, and the total amount of all outstanding bonds issued by the district and the terms of such bonds.<sup>108</sup>

### **Municipal Conversion of Independent Special Districts**

Current law provides a process for an independent special district to be converted into a municipality.<sup>109</sup> The electors of an independent special district can petition the governing body of the district to commence a municipal conversion if the independent special district is:

- Created by special act of the Legislature;
- Designated as an improvement district, created pursuant to chapter 298, F.S., or is designated as a stewardship district, created pursuant to s. 189.031, F.S.;
- Governed by an elected board that agrees to the conversion;
- Provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities; and
- Contains no territory located within the jurisdictional limits of an existing municipality.<sup>110</sup>

The petition must follow a statutorily-specified format and be signed by at least 40 percent of the qualified electors of the district no later than one year after the start of the qualified elector-initiated municipal conversion proceeding.<sup>111</sup> The petition must be filed with the governing body of the district and submitted to the supervisor of elections in the county where the district is located.<sup>112</sup> The supervisor of elections must certify to the governing body of the district the number of signatures by qualified electors within 30 business days of receipt.

Upon receiving a petition with a sufficient number of signatures, the governing body of the district must meet within 30 business days to prepare and adopt a proposed elector-initiated combined conversion and incorporation plan containing:

- The name of the independent special district to be converted to a municipality;
- The name of the municipality to be created;
- The conversion schedule;
- Certification by a licensed surveyor that the boundaries of the proposed municipality do not overlap with any other municipal boundary and are contained within a single county;
- The rights, duties, and obligations of the municipality, and a feasibility study that contains the requirements under the municipal incorporation statutes, except certain population thresholds usually required for municipal incorporation do not apply if the buildout of the land use allowed under the current county-approved comprehensive plan and zoning designations will meet the population and density requirements of the statute;<sup>113</sup>

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<sup>108</sup> Section 218.31(1)(e)4.-5., F.S.

<sup>109</sup> Section 165.0615, F.S.

<sup>110</sup> Section 165.0615(1), F.S.

<sup>111</sup> Section 165.0615(2), F.S.

<sup>112</sup> Section 165.0615(3), F.S.

<sup>113</sup> See section 165.061(1)(b) and (d), F.S. (requiring an area proposed for municipal incorporation to have a population of at least 1,500 in counties with a population of 75,000 or less (at least 5,000 in counties with a population of more than 75,000), an average population density of 1.5 persons per acre, and a minimum distance of at least two miles from any existing municipality in the same county).

- The territorial boundaries of the proposed municipality;
- The governmental organization of the proposed municipality and independent special district as the organization concerning elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;
- An accounting of the independent special district's assets, including, but not limited to, real and personal property, and the current value of the property;
- An accounting of the independent special district's liabilities and indebtedness, bonded and otherwise, and the current value of the liabilities and indebtedness;
- Terms for addressing the ownership and obligations related to existing assets, liabilities, and indebtedness of the independent special district;
- Terms for the common administration and uniform enforcement of existing laws within the proposed municipality;
- An estimated date for final payment of any bonded indebtedness of the independent special district, and if maintained by the district after incorporation, the estimated date of automatic dissolution of the independent special district;
- The time and place for a public hearing on the proposed incorporation; and
- The effective date of the proposed incorporation.<sup>114</sup>

Within five business days after adopting the plan, the governing body of the district must:

- Provide a copy of the plan, as well as a descriptive summary, for public inspection in at least three public places within the district;
- Publish a copy of the plan, as well as a descriptive summary, to the district's website or a website maintained by the county in which the district is located; and
- Arrange for the publication of the descriptive summary and the list of locations where the plan may be reviewed in a newspaper of general circulation within the district at least once each week for four successive weeks.<sup>115</sup>

The district must conduct at least one public hearing on the plan.<sup>116</sup> All public hearings on the plan must be held on weekdays and may not occur until at least seven business days after the first advertisement about the plan is published. The district must also conduct a final public hearing and provide notice at least seven days before the hearing in a newspaper of general circulation.<sup>117</sup> The notice for the final public hearing must contain the descriptive summary of the plan and the list of locations where the plan may be reviewed.

Revisions to the plan made after the final hearing may only occur if those revisions comply with notice and public hearing requirements.<sup>118</sup> The governing body of the district must approve a final version within 60 business days after the final hearing. After the final hearing, the governing body of the district notifies the supervisor of elections, who schedules a date for the conversion referendum.<sup>119</sup> There must be at least 60 business days between the District's adoption of the plan and the referendum.<sup>120</sup>

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<sup>114</sup> Section 165.0615(4), F.S.

<sup>115</sup> Section 165.0615(6), F.S.

<sup>116</sup> Section 165.0615(7), F.S.

<sup>117</sup> Section 165.0615(8), F.S.

<sup>118</sup> Section 165.0615(9), F.S.

<sup>119</sup> Section 165.0615(10), F.S.

<sup>120</sup> Section 165.0615(5), F.S.

The district must publish notice 30 days prior to the referendum.<sup>121</sup> The notice must be published at least twice, in the fifth and third weeks before the referendum. The notice must contain:

- A brief summary of the resolution and plan;
- A statement as to where the plan may be reviewed;
- The name of the district to be converted and a description of the territory included in the plan;
- The time and place where the referendum will be held; and
- Other matters necessary to call, provide for, and give notice of the referendum to provide for its conduct and the canvassing of the returns.<sup>122</sup>

If the referendum is approved, the district is governed as before until the effective date specified in the plan, at which point the new municipality is created.<sup>123</sup> If the referendum fails, the conversion process may not be re-initiated for at least two years after the date of the referendum.<sup>124</sup>

### **Performance Reviews**

Current law requires certain special districts to conduct performance reviews to evaluate the programs, activities, and functions of those districts, including:

- The purpose and goals as stated in the district's charter;
- The district's goals and objectives for each program and activity, the problem or need that the program or activity was designed to address, the expected benefits of each program and activity, and the performance measures and standards used by the special district to determine if the program or activity achieves the district's goals and objectives;
- The delivery of services by the district, including alternative methods of providing those services that would reduce costs and improve performance;
- A comparison of similar services provided by the county and municipal governments located wholly or partially within its boundaries, including similarities and differences in services, relative costs and efficiencies, and possible service consolidations;
- The revenues and costs of programs and activities of the district, using data from the current year and the previous 3 fiscal years;
- The extent to which the district's goals and objectives have been achieved;
- Any performance measures and standards of the district's program and activities using data from the current year and the previous three fiscal years;
- Factors that have contributed to any failure to meet the district's performance measures and standards or achieve the district's goals and objectives; and
- Recommendations for statutory or budgetary changes to improve the district's program operations, reduce costs, or reduce duplication.<sup>125</sup>

All independent special fire control districts and each hospital governed by the governing body of a special district or the board of trustees of a public health trust must conduct a performance review every five years beginning October 1, 2022, and October 1, 2023, respectively.<sup>126</sup>

<sup>121</sup> Sections 100.342, 165.0615(11), F.S.

<sup>122</sup> Section 165.0615(11), F.S.

<sup>123</sup> Section 165.0615(18), F.S.

<sup>124</sup> Section 165.0615(17), F.S.

<sup>125</sup> Section 189.0695(1), F.S.

<sup>126</sup> Section 189.0695(2), F.S.

All fire control districts not located within a rural area of opportunity and all hospital districts must contract with an independent entity to conduct the performance review, while the Office of Program Policy Analysis and Government Accountability (OPPAGA) must conduct a performance review of each fire control district located within a rural area of opportunity. The completed performance review must be filed with the governing body of the district, the Auditor General, the President of the Senate, and the Speaker of the House of Representatives no later than nine months from the beginning of the fiscal year in which the report is due.

OPPAGA has also been directed to conduct performance review of all independent mosquito control districts and soil and water conservation districts.<sup>127</sup> These reviews must be submitted to the President of the Senate and the Speaker of the House of Representatives. Independent mosquito control districts reviews were due by September 30, 2023, and water conservation districts reviews are due September 30, 2024.

### **III. Effect of Proposed Changes:**

#### **Term Limits**

The bill establishes a term limit of 12 consecutive years for members of an elected body governing an independent special district, unless the district's charter provides for more restrictive terms of office. Any term of office that commenced before November 5, 2024, does not count toward the limitation created by the bill. This provision does not apply to the governing body of a CDD or any independent special district created by special act that provides any amendment to ch. 190, F.S., to grant additional powers constitutes a power of the district, and does not require an independent special district governed by an appointed governing body to convert to an elected body.

#### **Special District Boundaries**

The bill provides that the boundaries of an independent special district may only be changed by general law or a special act. This provision does not apply to CDDs. The bill also makes a conforming change to provisions concerning the boundaries of MCDs.

#### **Inactive Special Districts**

The bill revises the criteria for declaring a special district inactive to include:

- Any independent special district or CRA that has reported no revenue, no expenditures, and no debt pursuant to current reporting requirements<sup>128</sup> for at least five consecutive fiscal years beginning no earlier than October 1, 2018;<sup>129</sup> or
- For MCDs, any district for which the department has received notice from DACS that the district has failed to file a tentative work plan and tentative detailed work plan budget.

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<sup>127</sup> Section 189.0695(3), F.S.

<sup>128</sup> See sections 189.016 and 215.32, F.S.

<sup>129</sup> This provision does not apply to CDDs or any independent special district created by special act that provides any amendment to ch. 190, F.S., to grant additional powers constitutes a power of the district.

For a dependent special district with a governing body that is not identical to a single county or municipality, the bill requires the department to provide notice by certified mail of the proposed declaration of inactive status to the governing body of the county or municipality of which the district is dependent.

The bill extends the period to file an objection pursuant to ch. 120, F.S., to a proposed declaration from 21 days to 30 days and provides that the objection may include that the special district has outstanding debt obligations that are not included in the annual financial report or annual financial audit report.

The bill provides that a special district declared inactive may only expend funds as necessary to service outstanding debt and to meet the requirements of existing bond covenants and contractual obligations.

The bill repeals s. 163.3756, F.S., to make provisions concerning CRAs consistent with those that apply to other types of special districts.

### **Municipal Conversion of Certain Special Districts**

The bill repeals ss. 165.0615 and 190.047, F.S., which allow independent special districts and CDDs, respectively, to convert to a municipality without legislative approval.

### **Performance Measures and Standards**

The bill requires each special district to establish goals and objectives for each program and activity undertaken by the district, as well as performance measures and standards to determine if the district's goals and objectives are being achieved by October 1, 2024, or the end of the first full fiscal year after its creation, whichever is later. Each district is required to prepare an annual report by December 1 of each year thereafter describing the goals and objectives achieved by the district, as well as performance measures and standards used by the district to make this determination, and any goals or objectives the district failed to achieve.

The bill requires the Florida Coordinating Council on Mosquito Control within DACS to develop model goals, objectives, and performance measures for MCDs by August 30, 2024.

### **Independent Special Fire Control Districts**

By October 1 of each year, the bill requires all independent special fire control districts to report to the Division of State Fire Marshal whether each district's firefighters and volunteer firefighters have completed the required training and certifications establish by the division.

### **Mosquito Control Districts**

The bill reduces the maximum ad valorem millage rate that may be levied by an MCD from 10 mills to one mill.

The bill requires all MCDs to perform the prerequisites for approval for the receipt of state funds for arthropod control from DACS by filing a tentative work plan and tentative detailed work plan budget. If the district fails to submit a tentative work plan and tentative detailed work plan budget, DACS must send notice of such failure to the department within 30 days.

#### **Neighborhood Improvement Districts**

The bill prohibits the creation of new NIDs effective July 1, 2024, and provides that NIDs created before this date may continue to operate as provided by current law.

The bill directs OPPAGA to conduct a performance review of NIDs to be completed by September 30, 2025.

The effective date of this bill is July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.



**C. Government Sector Impact:**

The bill will have an indeterminate, but likely insignificant, negative fiscal impact on the department to the extent that any costs will be associated with declaring additional special districts inactive under the provisions of the bill. Additionally, the bill may also require expenditures by DACS to develop model goals, objectives, and performance measures and standards.

The bill may have a negative fiscal impact on special districts to the extent that expenditures will be incurred to hire and train additional staff in order to comply with additional reporting requirements created by the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 163.504, 189.062, 189.0695, 191.013, 388.211, 388.221, 388.271, and 388.46

This bill creates the following sections of the Florida Statutes: 189.0312, 189.0313, and 189.0694.

This bill repeals the following sections of the Florida Statutes: 163.3756, 165.0615, and 190.047.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on January 29, 2024:**

The CS makes changes throughout the bill. Specifically it:

- Removes the requirement that voters reauthorize independent special districts that levy ad valorem taxes;
- Removes the requirement that a district be declared inactive for having unresolved audit findings for three consecutive audit reports;
- Clarifies that districts declared inactive may continue to expend funds as necessary to meet the requirements of bond covenants and other contractual obligations;
- Provides that the boundaries of most types of independent special districts may only be changed by an act of the Legislature; and
- Reduces the maximum ad valorem millage rate that may be levied by a mosquito control district from 10 mills to one mill.

- Removes a provision requiring a sworn affidavit attesting to the residential composition of a community development district.

**B. Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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The Committee on Community Affairs (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 163.3756, Florida Statutes, is repealed.

Section 2. Section 163.504, Florida Statutes, is amended to  
read:

163.504 Safe neighborhood improvement districts; formation  
authorized by ordinance; jurisdictional boundaries; prohibition  
on future creation.—



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11       (1) The governing body of any municipality or county may  
12 authorize the formation of safe neighborhood improvement  
13 districts through the adoption of a planning ordinance which  
14 specifies that such districts may be created by one or more of  
15 the methods established in ss. 163.506, 163.508, 163.511, and  
16 163.512. No district may overlap the jurisdictional boundaries  
17 of a municipality and the unincorporated area of a county,  
18 except by interlocal agreement.

19       (2) A safe neighborhood improvement district may not be  
20 created on or after July 1, 2024. A safe neighborhood  
21 improvement district in existence before July 1, 2024, may  
22 continue to operate as provided in this part.

23       Section 3. Section 165.0615, Florida Statutes, is repealed.

24       Section 4. Section 189.0312, Florida Statutes, is created  
25 to read:

26       189.0312 Independent special districts; term of office.—

27       (1) A member of an elected governing body of an independent  
28 special district may not serve for more than 12 consecutive  
29 years, unless the district's charter provides for more  
30 restrictive terms of office. Service of a term of office that  
31 commenced before November 5, 2024, does not count toward the  
32 limitation imposed by this subsection.

33       (2) This section does not apply to a community development  
34 district established under chapter 190, or an independent  
35 special district created pursuant to a special act that provides  
36 that any amendment to chapter 190 to grant additional powers  
37 constitutes a power of the district.

38       (3) This section does not require an independent special  
39 district governed by an appointed governing body to convert to



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40 an elected governing body.

41 Section 5. Section 189.0313, Florida Statutes, is created  
42 to read:

43 189.0313 Independent special districts; boundaries;  
44 exception.—Notwithstanding any special law or general law of  
45 local application to the contrary, the boundaries of an  
46 independent special district shall only be changed by general  
47 law or special act. This section does not apply to a community  
48 development district established pursuant to chapter 190.

49 Section 6. Subsections (1) and (2) of section 189.062,  
50 Florida Statutes, are amended to read:

51 189.062 Special procedures for inactive districts.—

52 (1) The department shall declare inactive any special  
53 district in this state by documenting that:

54 (a) The special district meets one of the following  
55 criteria:

56 1. The registered agent of the district, the chair of the  
57 governing body of the district, or the governing body of the  
58 appropriate local general-purpose government notifies the  
59 department in writing that the district has taken no action for  
60 2 or more years;

61 2. The registered agent of the district, the chair of the  
62 governing body of the district, or the governing body of the  
63 appropriate local general-purpose government notifies the  
64 department in writing that the district has not had a governing  
65 body or a sufficient number of governing body members to  
66 constitute a quorum for 2 or more years;

67 3. The registered agent of the district, the chair of the  
68 governing body of the district, or the governing body of the



69 appropriate local general-purpose government fails to respond to  
70 an inquiry by the department within 21 days;

71 4. The department determines, pursuant to s. 189.067, that  
72 the district has failed to file any of the reports listed in s.  
73 189.066;

74 5. The district has not had a registered office and agent  
75 on file with the department for 1 or more years; ~~or~~

76 6. The governing body of a special district provides  
77 documentation to the department that it has unanimously adopted  
78 a resolution declaring the special district inactive. The  
79 special district is responsible for payment of any expenses  
80 associated with its dissolution; -

81 7. The district is an independent special district or a  
82 community redevelopment district created under part III of  
83 chapter 163 which has reported no revenue, no expenditures, and  
84 no debt under s. 189.016(9) or s. 218.32 for at least 5  
85 consecutive fiscal years beginning no earlier than October 1,  
86 2018. This subparagraph does not apply to a community  
87 development district established under chapter 190 or to any  
88 independent special district operating pursuant to a special act  
89 that provides that any amendment to chapter 190 to grant  
90 additional powers constitutes a power of that district; or

91 8. For a mosquito control district created pursuant to  
92 chapter 388, the department has received notice from the  
93 Department of Agriculture and Consumer Services that the  
94 district has failed to file a tentative work plan and tentative  
95 detailed work plan budget as required by s. 388.271.

96 (b) The department, special district, or local general-  
97 purpose government has published a notice of proposed



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98 declaration of inactive status in a newspaper of general  
99 circulation in the county or municipality in which the territory  
100 of the special district is located and has sent a copy of such  
101 notice by certified mail to the registered agent or chair of the  
102 governing body, if any. If the special district is a dependent  
103 special district with a governing body that is not identical to  
104 the governing body of a single county or a single municipality,  
105 a copy of such notice must also be sent by certified mail to the  
106 governing body of the county or municipality on which the  
107 district is dependent. Such notice must include the name of the  
108 special district, the law under which it was organized and  
109 operating, a general description of the territory included in  
110 the special district, and a statement that any objections must  
111 be filed pursuant to chapter 120 within 30 ~~21~~ days after the  
112 publication date. The objections may include that the special  
113 district has outstanding debt obligations that are not included  
114 in reports required under s. 189.016(9) or s. 218.32.

115 (c) Thirty ~~Twenty-one~~ days have elapsed from the  
116 publication date of the notice of proposed declaration of  
117 inactive status and no administrative appeals were filed.

118 (2) If any special district is declared inactive pursuant  
119 to this section, the district may only expend funds as necessary  
120 to service outstanding debt and to comply with existing bond  
121 covenants and other contractual obligations. The property or  
122 assets of the special district are subject to legal process for  
123 payment of any debts of the district. After the payment of all  
124 the debts of said inactive special district, the remainder of  
125 its property or assets shall escheat to the county or  
126 municipality wherein located. If, however, it shall be



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127 necessary, in order to pay any such debt, to levy any tax or  
128 taxes on the property in the territory or limits of the inactive  
129 special district, the same may be assessed and levied by order  
130 of the local general-purpose government wherein the same is  
131 situated and shall be assessed by the county property appraiser  
132 and collected by the county tax collector.

133 Section 7. Section 189.0694, Florida Statutes, is created  
134 to read:

135 189.0694 Special districts; performance measures and  
136 standards.-

137 (1) Beginning October 1, 2024, or by the end of the first  
138 full fiscal year after its creation, whichever is later, each  
139 special district shall establish goals and objectives for each  
140 program and activity undertaken by the district, as well as  
141 performance measures and standards to determine whether the  
142 district's goals and objectives are being achieved.

143 (2) By December 1 of each year thereafter, each special  
144 district shall publish an annual report on the district's  
145 website describing:

146 (a) The goals and objectives achieved by the district, as  
147 well as the performance measures and standards used by the  
148 district to make this determination.

149 (b) Any goals or objectives the district failed to achieve.

150 Section 8. Subsection (3) of section 189.0695, Florida  
151 Statutes, is amended to read:

152 189.0695 Independent special districts; performance  
153 reviews.-

154 (3) The Office of Program Policy Analysis and Government  
155 Accountability shall ~~must~~ conduct a performance review of all





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156 independent special districts within the classifications  
157 described in paragraphs (a), ~~and~~ (b), and (c) and may contract  
158 as needed to complete the requirements of this subsection. The  
159 Office of Program Policy Analysis and Government Accountability  
160 shall submit the final report of the performance review to the  
161 President of the Senate and the Speaker of the House of  
162 Representatives as follows:

163 (a) For all independent mosquito control districts as  
164 defined in s. 388.011, no later than September 30, 2023.

165 (b) For all soil and water conservation districts as  
166 defined in s. 582.01, no later than September 30, 2024.

167 (c) For all safe neighborhood improvement districts as  
168 defined in s. 163.503(1), no later than September 30, 2025.

169 Section 9. Section 190.047, Florida Statutes, is repealed.

170 Section 10. Subsection (3) is added to section 191.013,  
171 Florida Statutes, to read:

172 191.013 Intergovernmental coordination.—

173 (3) By October 1 of each year, each independent special  
174 fire control district shall report to the Division of State Fire  
175 Marshal regarding whether each of the district's firefighters  
176 and volunteer firefighters have completed the required trainings  
177 and received the required certifications established by the  
178 division pursuant to s. 633.408.

179 Section 11. Section 388.211, Florida Statutes, is amended  
180 to read:

181 388.211 Change in district boundaries.—

182 (1) The boundaries of each district may only be changed by  
183 a special act of the Legislature ~~The board of commissioners of~~  
184 ~~any district formed prior to July 1, 1980, may, for and on~~



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185 ~~behalf of the district or the qualified electors within or~~  
186 ~~without the district, request that the board of county~~  
187 ~~commissioners in each county having land within the district~~  
188 ~~approve a change in the boundaries of the district.~~

189 ~~(2) If the board of county commissioners approves such~~  
190 ~~change, an amendment shall be made to the order creating the~~  
191 ~~district to conform with the boundary change.~~

192 Section 12. Subsection (1) of section 388.221, Florida  
193 Statutes, is amended to read:

194 388.221 Tax levy.—

195 (1) The board of commissioners of such district may levy  
196 upon all of the real and personal taxable property in said  
197 district a special tax not exceeding 1 mill ~~10 mills~~ on the  
198 dollar during each year as maintenance tax to be used solely for  
199 the purposes authorized and prescribed by this chapter. Said  
200 board shall by resolution certify to the property appraiser of  
201 the county in which the property is situate, timely for the  
202 preparation of the tax roll, the tax rate to be applied in  
203 determining the amount of the district's annual maintenance tax.  
204 Certified copies of such resolution executed in the name of said  
205 board by its chair and secretary and under its corporate seal  
206 shall be made and delivered to the property appraiser and the  
207 board of county commissioners of the county in which such  
208 district is located, and to the Department of Revenue not later  
209 than September 30 of such year. The property appraiser of said  
210 county shall assess and the tax collector of said county shall  
211 collect the amount of taxes so assessed and levied by said board  
212 of commissioners of said district upon all of the taxable real  
213 and personal property in said district at the rate of taxation



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214 adopted by said board for said year and included in said  
215 resolution, and said levy shall be included in the warrants of  
216 the property appraiser and attached to the assessment roll of  
217 taxes for said county each year. The tax collector shall collect  
218 such taxes so levied by said board in the same manner as other  
219 taxes are collected and shall pay the same within the time and  
220 in the manner prescribed by law to the treasurer of said board.  
221 The Department of Revenue shall assess and levy on all the  
222 railroad lines and railroad property and telegraph and telephone  
223 lines and telegraph and telephone property situated in said  
224 district in the amount of each such levy as in case of other  
225 state and county taxes and shall collect said taxes thereon in  
226 the same manner as it is required by law to assess and collect  
227 taxes for state and county purposes and remit the same to the  
228 treasurer of said board. All such taxes shall be held by said  
229 treasurer for the credit of said board and paid out by him or  
230 her as ordered by said board.

231 Section 13. Subsection (1) of section 388.271, Florida  
232 Statutes, is amended, and subsection (3) is added to that  
233 section, to read:

234 388.271 Prerequisites to participation.—

235 (1) When state funds are involved, it is the duty of the  
236 department to guide, review, approve, and coordinate the  
237 activities of all county governments and special districts  
238 receiving state funds in furtherance of the goal of integrated  
239 arthropod control. Each county ~~or district~~ eligible to  
240 participate ~~hereunder~~ may, and each district must, begin  
241 participation on October 1 of any year by filing with the  
242 department not later than July 15 a tentative work plan and



243 tentative detailed work plan budget providing for the control of  
244 arthropods. Following approval of the plan and budget by the  
245 department, two copies of the county's or district's certified  
246 budget based on the approved work plan and detailed work plan  
247 budget shall be submitted to the department by September 30  
248 following. State funds, supplies, and services shall be made  
249 available to such county or district by and through the  
250 department immediately upon release of funds by the Executive  
251 Office of the Governor.

252 (3) If a special district fails to submit a tentative work  
253 plan and tentative detailed work plan budget as required by  
254 subsection (1), the department must send notice of such failure  
255 to the Department of Commerce within 30 days.

256 Section 14. Paragraph (c) of subsection (2) of section  
257 388.46, Florida Statutes, is amended to read:

258 388.46 Florida Coordinating Council on Mosquito Control;  
259 establishment; membership; organization; responsibilities.-

260 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

261 (c) *Responsibilities*.-The council shall:

262 1. Develop and implement guidelines to assist the  
263 department in resolving disputes arising over the control of  
264 arthropods on publicly owned lands.

265 2. Develop and recommend to the department a request for  
266 proposal process for arthropod control research.

267 3. Identify potential funding sources for research or  
268 implementation projects and evaluate and prioritize proposals  
269 upon request by the funding source.

270 4. Prepare and present reports, as needed, on arthropod  
271 control activities in the state to other governmental



272 organizations, as appropriate.

273 5. By August 30, 2024, develop model goals, objectives, and  
274 performance measures and standards to assist mosquito control  
275 districts in conducting performance monitoring pursuant to s.  
276 189.0694.

277 Section 15. This act shall take effect July 1, 2024.

278  
279 ===== T I T L E A M E N D M E N T =====

280 And the title is amended as follows:

281 Delete everything before the enacting clause  
282 and insert:

283 A bill to be entitled  
284 An act relating to special districts; repealing s.  
285 163.3756, F.S., relating to inactive community  
286 redevelopment agencies; amending s. 163.504, F.S.;  
287 prohibiting the creation of new safe neighborhood  
288 improvement districts after a date certain; repealing  
289 s. 165.0615, F.S., relating to municipal conversion of  
290 independent special districts upon an elector-  
291 initiated and approved referendum; creating s.  
292 189.0312, F.S.; providing term limits for elected  
293 members of governing bodies of independent special  
294 districts; providing an exception; providing  
295 construction; creating s. 189.0313, F.S.; providing  
296 the method for changing boundaries of an independent  
297 special district; providing an exception; amending s.  
298 189.062, F.S.; providing additional criteria for  
299 declaring a special district inactive; providing  
300 exceptions; requiring certain special districts to



301 provide notice of a proposed declaration of inactive  
302 status to the county or municipality under certain  
303 circumstances; revising the time period for filing an  
304 objection to a proposed declaration; authorizing a  
305 specific objection; providing that a district declared  
306 inactive may only expend funds as necessary to service  
307 outstanding debt and to comply with existing bond  
308 covenants and contractual obligations; making  
309 technical changes; creating s. 189.0694, F.S.;  
310 requiring special districts to establish performance  
311 measures to assess performance; requiring special  
312 districts to publish an annual report; providing  
313 requirements for the report; amending s. 189.0695,  
314 F.S.; requiring the Office of Program Policy Analysis  
315 and Government Accountability to conduct performance  
316 reviews annually of safe neighborhood improvement  
317 districts; repealing s. 190.047, F.S., relating to  
318 incorporation or annexation of a district; amending s.  
319 191.013, F.S.; requiring independent special fire  
320 control districts to report annually, by a specified  
321 date, information regarding the completion of required  
322 trainings and the receipt of required certifications  
323 by certain firefighters to the Division of State Fire  
324 Marshal; amending s. 388.211, F.S.; providing that the  
325 boundaries of a mosquito control district may only be  
326 changed by special act; amending s. 388.221, F.S.;  
327 reducing the maximum millage rate for mosquito control  
328 districts; amending s. 388.271, F.S.; requiring,  
329 instead of authorizing, special districts to file



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330 tentative work plans and work plan budgets at  
331 specified intervals; requiring the Department of  
332 Agriculture and Consumer Services to report to the  
333 Department of Commerce if certain special districts  
334 fail to submit specified information; making technical  
335 changes; amending s. 388.46, F.S.; requiring the  
336 Florida Coordinating Council on Mosquito Control to  
337 establish, by a specified date, model goals,  
338 objectives, and performance measures and standards to  
339 assist districts in conducting performance monitoring;  
340 providing an effective date.

By Senator Hutson

7-01329B-24

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1                   A bill to be entitled  
2       An act relating to special districts; repealing s.  
3       163.3756, F.S., relating to inactive community  
4       redevelopment agencies; amending s. 163.504, F.S.;  
5       prohibiting the creation of new safe neighborhood  
6       improvement districts after a date certain; repealing  
7       s. 165.0615, F.S., relating to municipal conversion of  
8       independent special districts upon an elector-  
9       initiated and approved referendum; creating s.  
10      189.0312, F.S.; providing term limits for elected  
11      members of governing bodies of independent special  
12      districts; providing an exception; providing  
13      construction; creating s. 189.0313, F.S.; requiring  
14      continuation of independent special districts that  
15      levy ad valorem taxes; providing procedures in the  
16      event a certain ballot question is approved by voters;  
17      providing procedures in the event the ballot question  
18      is not approved by voters; requiring the governing  
19      body of the district to adopt a dissolution plan  
20      within a certain timeframe and to post such  
21      dissolution plan in the specified manner; providing  
22      the ballot question; providing applicability; amending  
23      s. 189.062, F.S.; providing additional criteria for  
24      declaring a special district inactive; providing  
25      exceptions; requiring certain special districts to  
26      provide notice of a proposed declaration of inactive  
27      status to the county or municipality under certain  
28      circumstances; revising the time period for filing an  
29      objection to a proposed declaration; authorizing a



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30 specific objection; providing that a district declared  
31 inactive may only expend funds as necessary to service  
32 outstanding debt; making technical changes; creating  
33 s. 189.0694, F.S.; requiring special districts to  
34 establish performance measures to assess performance;  
35 requiring special districts to publish an annual  
36 report; providing requirements for the report;  
37 amending s. 189.0695, F.S.; requiring the Office of  
38 Program Policy Analysis and Government Accountability  
39 to annually conduct performance reviews of safe  
40 neighborhood improvement districts; amending s.  
41 189.016, F.S.; requiring certain independent special  
42 districts to file reports and information to specified  
43 entities; amending s. 190.005, F.S.; requiring that a  
44 petition for creation of a community development  
45 district contain specified information; making  
46 technical changes; amending s. 191.013, F.S.;  
47 requiring independent special fire control districts  
48 to report annually, by a specified date, information  
49 regarding the completion of required trainings and the  
50 receipt of required certifications by certain  
51 firefighters to the Division of State Fire Marshal;  
52 amending s. 388.271, F.S.; requiring, instead of  
53 authorizing, special districts to file tentative work  
54 plans and work plan budgets at specified intervals;  
55 requiring the Department of Agriculture and Consumer  
56 Services to report to the Department of Commerce if  
57 certain special districts fail to submit specified  
58 information; making technical changes; amending s.

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59 388.46, F.S.; requiring the Florida Coordinating  
60 Council on Mosquito Control to establish, by a  
61 specified date, model measures to assist districts in  
62 conducting performance monitoring; providing an  
63 effective date.

64

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

66

67 Section 1. Section 163.3756, Florida Statutes, is repealed.

68 Section 2. Section 163.504, Florida Statutes, is amended to  
69 read:

70 163.504 Safe neighborhood improvement districts; formation  
71 authorized by ordinance; jurisdictional boundaries; prohibition  
72 on future creation.—

73 (1) The governing body of any municipality or county may  
74 authorize the formation of safe neighborhood improvement  
75 districts through the adoption of a planning ordinance which  
76 specifies that such districts may be created by one or more of  
77 the methods established in ss. 163.506, 163.508, 163.511, and  
78 163.512. No district may overlap the jurisdictional boundaries  
79 of a municipality and the unincorporated area of a county,  
80 except by interlocal agreement.

81 (2) A safe neighborhood improvement district may not be  
82 created on or after July 1, 2024. A safe neighborhood  
83 improvement district in existence before July 1, 2024, may  
84 continue to operate as provided in this part.

85 Section 3. Section 165.0615, Florida Statutes, is repealed.

86 Section 4. Section 189.0312, Florida Statutes, is created  
87 to read:

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88       189.0312 Term of office.—

89       (1) A member of an elected governing body of an independent  
90 special district may not serve for more than 12 consecutive  
91 years, unless the district's charter provides for more  
92 restrictive terms of office. Service of a term of office that  
93 commenced before November 5, 2024, does not count toward the  
94 limitation imposed by this subsection.

95       (2) This section does not apply to a community development  
96 district established under chapter 190 or an independent special  
97 district created pursuant to a special act that provides that  
98 any amendment to chapter 190 to grant additional powers  
99 constitutes a power of the district.

100       (3) This section does not require an independent special  
101 district governed by an appointed governing body to convert to  
102 an elected governing body.

103       Section 5. Section 189.0313, Florida Statutes, is created  
104 to read:

105       189.0313 Independent special districts with ad valorem  
106 taxing powers; voter reauthorization.—

107       (1) The governing body of each independent special district  
108 that exercises ad valorem taxing powers created:

109       (a) Before January 1, 2018, shall conduct a referendum to  
110 be held in conjunction with the general election held on  
111 November 3, 2026, containing the ballot question described in  
112 subsection (3).

113       (b) On or after January 1, 2018, shall conduct a referendum  
114 to be held in conjunction with the next general election held 10  
115 years after the creation date of the district containing the  
116 ballot question in subsection (3).

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117 (2) (a) If a majority of the qualified electors voting in  
118 the referendum approves the continuation of the independent  
119 special district, the governing body of the special district  
120 must conduct another referendum containing the ballot question  
121 in subsection (3) held in conjunction with the general election  
122 every 10 years thereafter until such time as the continuation of  
123 the independent special district is no longer approved by a  
124 majority vote of the qualified electors voting in the  
125 referendum.

126 (b) If a majority of the qualified electors does not  
127 approve the continuation of the independent special district,  
128 the governing body of the district may not incur any additional  
129 obligations or indebtedness, including the issuance of new bonds  
130 or extending the maturity date of any outstanding bonds, other  
131 than expenses incurred in the ordinary course of business.  
132 Within 90 days after the date of such referendum, the governing  
133 body of the district shall, by resolution, adopt a dissolution  
134 plan that includes provisions for liquidating all of the  
135 district's assets, satisfying all of the district's obligations  
136 and indebtedness, ensuring the continuity of public services  
137 provided by the district, and providing a date on which the  
138 district will terminate its operations. The resolution must be  
139 considered at a public meeting held specifically to consider the  
140 dissolution plan which is not a regularly scheduled or emergency  
141 meeting of the governing body of the independent special  
142 district. The proposed dissolution plan must be posted on the  
143 district's official website at least 2 days before the meeting.  
144 The adopted dissolution plan must be posted on the independent  
145 special district's official website within 30 days after

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146 adoption and must remain on the website. The governing body of  
 147 the district shall submit its dissolution plan to the local  
 148 governing authority or authorities and to the department within  
 149 30 days after adoption.

150 (3) A referendum called pursuant to this section must  
 151 contain a ballot question in substantially the following form:

153 Should the independent special district known as the  
 154 (name of district), which has the authority to levy  
 155 each year an ad valorem tax not to exceed (maximum  
 156 millage approved by the voters) to fund (type of  
 157 service provided by district), be continued for  
 158 another 10 years?

159 .... YES

160 .... NO

162 (4) This section does not apply to a community development  
 163 district established pursuant to chapter 190, a water management  
 164 district created and operated pursuant to chapter 373, an inland  
 165 navigation district established pursuant to chapter 374, or an  
 166 independent special district created pursuant to a special act  
 167 that provides that any amendment to chapter 190 to grant  
 168 additional powers constitutes a power of that district.

169 Section 6. Subsections (1) and (2) of section 189.062,  
 170 Florida Statutes, are amended to read:

171 189.062 Special procedures for inactive districts.—

172 (1) The department shall declare inactive any special  
 173 district in this state by documenting that:

174 (a) The special district meets one of the following

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175 criteria:

176 1. The registered agent of the district, the chair of the  
177 governing body of the district, or the governing body of the  
178 appropriate local general-purpose government notifies the  
179 department in writing that the district has taken no action for  
180 2 or more years;

181 2. The registered agent of the district, the chair of the  
182 governing body of the district, or the governing body of the  
183 appropriate local general-purpose government notifies the  
184 department in writing that the district has not had a governing  
185 body or a sufficient number of governing body members to  
186 constitute a quorum for 2 or more years;

187 3. The registered agent of the district, the chair of the  
188 governing body of the district, or the governing body of the  
189 appropriate local general-purpose government fails to respond to  
190 an inquiry by the department within 21 days;

191 4. The department determines, pursuant to s. 189.067, that  
192 the district has failed to file any of the reports listed in s.  
193 189.066;

194 5. The district has not had a registered office and agent  
195 on file with the department for 1 or more years; ~~or~~

196 6. The governing body of a special district provides  
197 documentation to the department that it has unanimously adopted  
198 a resolution declaring the special district inactive. The  
199 special district is responsible for payment of any expenses  
200 associated with its dissolution;:-

201 7. The district is an independent special district or a  
202 community redevelopment district created under part III of  
203 chapter 163 which has reported no revenue, no expenditures, and

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204 no debt under s. 189.016(9) or s. 218.32 for at least 5  
205 consecutive fiscal years beginning no earlier than October 1,  
206 2018. This subparagraph does not apply to a community  
207 development district established under chapter 190 or to any  
208 independent special district operating pursuant to a special act  
209 that provides that any amendment to chapter 190 to grant  
210 additional powers constitutes a power of that district;

211 8. The district has unresolved audit findings for three  
212 consecutive annual financial audit reports performed pursuant to  
213 s. 218.39; or

214 9. For a mosquito control district created pursuant to  
215 chapter 388, the department has received notice from the  
216 Department of Agriculture and Consumer Services that the  
217 district has failed to file a tentative work plan and tentative  
218 detailed work plan budget as required by s. 388.271.

219 (b) The department, special district, or local general-  
220 purpose government has published a notice of proposed  
221 declaration of inactive status in a newspaper of general  
222 circulation in the county or municipality in which the territory  
223 of the special district is located and has sent a copy of such  
224 notice by certified mail to the registered agent or chair of the  
225 governing body, if any. If the special district is a dependent  
226 special district with a governing body that is not identical to  
227 the governing body of a single county or a single municipality,  
228 a copy of such notice must also be sent by certified mail to the  
229 governing body of the county or municipality on which the  
230 district is dependent. Such notice must include the name of the  
231 special district, the law under which it was organized and  
232 operating, a general description of the territory included in

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233 the special district, and a statement that any objections must  
234 be filed pursuant to chapter 120 within 30 ~~21~~ days after the  
235 publication date. The objections may include that the special  
236 district has outstanding debt obligations that are not included  
237 in reports required under s. 189.016(9) or s. 218.32.

238 (c) Thirty ~~Twenty-one~~ days have elapsed from the  
239 publication date of the notice of proposed declaration of  
240 inactive status and no administrative appeals were filed.

241 (2) If any special district is declared inactive pursuant  
242 to this section, the district may only expend funds as necessary  
243 to service outstanding debt. The property or assets of the  
244 special district are subject to legal process for payment of any  
245 debts of the district. After the payment of all the debts of  
246 said inactive special district, the remainder of its property or  
247 assets must ~~shall~~ escheat to the county or municipality wherein  
248 located. If, however, it is ~~shall be~~ necessary, in order to pay  
249 any such debt, to levy any tax or taxes on the property in the  
250 territory or limits of the inactive special district, the same  
251 may be assessed and levied by order of the local general-purpose  
252 government wherein the same is situated and shall be assessed by  
253 the county property appraiser and collected by the county tax  
254 collector.

255 Section 7. Section 189.0694, Florida Statutes, is created  
256 to read:

257 189.0694 Special districts; performance measures and  
258 standards.-

259 (1) Beginning October 1, 2024, or by the end of the first  
260 full fiscal year after its creation, whichever is later, each  
261 special district shall establish goals and objectives for each



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262 program and activity undertaken by the district, as well as  
263 performance measures and standards to determine whether the  
264 district's goals and objectives are being achieved.

265 (2) By October 1 of each year thereafter, each special  
266 district shall publish an annual report on the district's  
267 website describing:

268 (a) The goals and objectives achieved by the district, as  
269 well as the performance measures and standards used by the  
270 district to make this determination.

271 (b) Any goals or objectives the district failed to achieve.

272 Section 8. Subsection (3) of section 189.0695, Florida  
273 Statutes, is amended to read:

274 189.0695 Independent special districts; performance  
275 reviews.—

276 (3) The Office of Program Policy Analysis and Government  
277 Accountability shall ~~must~~ conduct a performance review of all  
278 independent special districts within the classifications  
279 described in paragraphs (a), ~~and~~ (b), and (c) and may contract  
280 as needed to complete the requirements of this subsection. The  
281 Office of Program Policy Analysis and Government Accountability  
282 shall submit the final report of the performance review to the  
283 President of the Senate and the Speaker of the House of  
284 Representatives as follows:

285 (a) For all independent mosquito control districts as  
286 defined in s. 388.011, no later than September 30, 2023.

287 (b) For all soil and water conservation districts as  
288 defined in s. 582.01, no later than September 30, 2024.

289 (c) For all safe neighborhood improvement districts as  
290 defined in s. 163.503(1), no later than September 30, 2025.

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291 Section 9. Subsection (10) of section 189.016, Florida  
292 Statutes, is amended to read:

293 189.016 Reports; budgets; audits.—

294 (10) All reports or information required to be filed with a  
295 local general-purpose government or governing authority under  
296 ss. 189.014, 189.015, 189.0313, and 189.08 and subsection (8)  
297 must:

298 (a) If the local general-purpose government or governing  
299 authority is a county, be filed with the clerk of the board of  
300 county commissioners.

301 (b) If the district is a multicounty district, be filed  
302 with the clerk of the county commission in each county.

303 (c) If the local general-purpose government or governing  
304 authority is a municipality, be filed at the place designated by  
305 the municipal governing body.

306 Section 10. Paragraph (a) of subsection (1) of section  
307 190.005, Florida Statutes, is amended to read:

308 190.005 Establishment of district.—

309 (1) The exclusive and uniform method for the establishment  
310 of a community development district with a size of 2,500 acres  
311 or more shall be pursuant to a rule, adopted under chapter 120  
312 by the Florida Land and Water Adjudicatory Commission, granting  
313 a petition for the establishment of a community development  
314 district.

315 (a) A petition for the establishment of a community  
316 development district must ~~shall~~ be filed by the petitioner with  
317 the Florida Land and Water Adjudicatory Commission. The petition  
318 must ~~shall~~ contain:

319 1. A metes and bounds description of the external

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320 boundaries of the district. Any real property within the  
321 external boundaries of the district which is to be excluded from  
322 the district must ~~shall~~ be specifically described, and the last  
323 known address of all owners of such real property must ~~shall~~ be  
324 listed. The petition must ~~shall~~ also address the impact of the  
325 proposed district on any real property within the external  
326 boundaries of the district which is to be excluded from the  
327 district.

328       2. The written consent to the establishment of the district  
329 by all landowners whose real property is to be included in the  
330 district or documentation demonstrating that the petitioner has  
331 control by deed, trust agreement, contract, or option of 100  
332 percent of the real property to be included in the district, and  
333 when real property to be included in the district is owned by a  
334 governmental entity and subject to a ground lease as described  
335 in s. 190.003(14), the written consent by such governmental  
336 entity.

337       3. A designation of five persons to be the initial members  
338 of the board of supervisors, who shall serve in that office  
339 until replaced by elected members as provided in s. 190.006.

340       4. The proposed name of the district.

341       5. A map of the proposed district showing current major  
342 trunk water mains and sewer interceptors and outfalls if in  
343 existence.

344       6. Based upon available data, the proposed timetable for  
345 construction of the district services and the estimated cost of  
346 constructing the proposed services. These estimates must ~~shall~~  
347 be submitted in good faith but are not binding and may be  
348 subject to change.

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349           7. A designation of the future general distribution,  
350 location, and extent of public and private uses of land proposed  
351 for the area within the district by the future land use plan  
352 element of the effective local government comprehensive plan of  
353 which all mandatory elements have been adopted by the applicable  
354 general-purpose local government in compliance with the  
355 Community Planning Act.

356           8. A statement of estimated regulatory costs in accordance  
357 with the requirements of s. 120.541.

358           9. A sworn affidavit, signed by the petitioner, attesting  
359 that the planned development of the proposed district will  
360 contain sufficient residential units for at least 250 qualified  
361 electors within a proposed district of 5,000 acres or less, or  
362 at least 500 qualified electors within a proposed district  
363 exceeding 5,000 acres or a compact, urban, mixed-use district.

364           Section 11. Subsection (3) is added to section 191.013,  
365 Florida Statutes, to read:

366           191.013 Intergovernmental coordination.—

367           (3) By October 1 of each year, each independent special  
368 fire control district shall report to the Division of State Fire  
369 Marshal regarding whether each of the district's firefighters  
370 and volunteer firefighters have completed the required trainings  
371 and received the required certifications established by the  
372 division pursuant to s. 633.408.

373           Section 12. Subsection (1) of section 388.271, Florida  
374 Statutes, is amended, and subsection (3) is added to that  
375 section, to read:

376           388.271 Prerequisites to participation.—

377           (1) When state funds are involved, it is the duty of the

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378 department to guide, review, approve, and coordinate the  
 379 activities of all county governments and special districts  
 380 receiving state funds in furtherance of the goal of integrated  
 381 arthropod control. Each county ~~or district~~ eligible to  
 382 participate ~~hereunder~~ may, and each district must, begin  
 383 participation on October 1 of any year by filing with the  
 384 department not later than July 15 a tentative work plan and  
 385 tentative detailed work plan budget providing for the control of  
 386 arthropods. Following approval of the plan and budget by the  
 387 department, two copies of the county's or district's certified  
 388 budget based on the approved work plan and detailed work plan  
 389 budget must ~~shall~~ be submitted to the department by September 30  
 390 following. State funds, supplies, and services must ~~shall~~ be  
 391 made available to such county or district by and through the  
 392 department immediately upon release of funds by the Executive  
 393 Office of the Governor.

394 (3) If a special district fails to submit a tentative work  
 395 plan and tentative detailed work plan budget as required by  
 396 subsection (1), the department must send notice of such failure  
 397 to the Department of Commerce within 30 days.

398 Section 13. Paragraph (c) of subsection (2) of section  
 399 388.46, Florida Statutes, is amended to read:

400 388.46 Florida Coordinating Council on Mosquito Control;  
 401 establishment; membership; organization; responsibilities.—

402 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

403 (c) *Responsibilities.*—The council shall:

404 1. Develop and implement guidelines to assist the  
 405 department in resolving disputes arising over the control of  
 406 arthropods on publicly owned lands.

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407           2. Develop and recommend to the department a request for  
408 proposal process for arthropod control research.

409           3. Identify potential funding sources for research or  
410 implementation projects and evaluate and prioritize proposals  
411 upon request by the funding source.

412           4. Prepare and present reports, as needed, on arthropod  
413 control activities in the state to other governmental  
414 organizations, as appropriate.

415           5. By August 30, 2024, develop model goals, objectives, and  
416 performance measures and standards to assist mosquito control  
417 districts in conducting performance monitoring pursuant to s.  
418 189.0694.

419           Section 14. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 18, 2024

---

I respectfully request that **Senate Bill #1058**, relating to Special Districts, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Travis Hutson".

---

Senator Travis Hutson  
Florida Senate, District 7

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1/29/24

Meeting Date

1058

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Gary Hunter

Phone 850-567-5763

Address 119 S. Monroe St Suite 500

Street

Email ghunter@holtzmanvogel.com

Tallahassee FL 32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Association of Florida Community Developers

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB-1058

Bill Number or Topic

1/29/2024

Meeting Date

Committee Affairs

Committee

Amendment Barcode (if applicable)

Name

Gene Rogers

Phone

239-770-0856

Address

5531 Halifax Ave

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GRogers@southtrailfire.org

Street

Ft Myers

State

FL

Zip

33912

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Chief Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 1136

INTRODUCER: Community Affairs and Senator Trumbull

SUBJECT: Regulation of Water Resources

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<b>Favorable</b>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1136 revises the qualification requirements a person must meet to take the water well contractor licensure examination. The bill requires an applicant to have at least two years of experience in constructing, repairing, or abandoning water wells specifically permitted in Florida.

The bill authorizes an authority to whom a water management district has delegated enforcement powers to consistently apply disciplinary guideline rules relating to wells.

The bill includes business entities as possible violators of certain unlawful acts relating to wells. The bill adds that it is unlawful to advertise water well drilling or construction services if the business entity is not owned by a licensed water well contractor or does not employ a full-time water well contractor.

The bill removes a requirement that the Department of Environmental Protection must appoint and staff a variance review and advisory committee relating to onsite sewage treatment and disposal systems, and changes rules relating to water well contractors applying for and receiving a variance.

The bill provides an effective date of July 1, 2024.

## II. Present Situation:

### Department of Environmental Protection and Water Management District Authority

The Department of Environmental Protection (DEP) is responsible for the administration of water resources at the state level and exercises general supervisory authority over the Water Management Districts (WMDs).<sup>1</sup> The state's five water management districts (WMDs) are responsible for the administration of water resources at the regional level. The five regions are Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, and South Florida.<sup>2</sup>

DEP has authorized the WMDs to implement a program for the issuance of permits for the location, construction, repair, and abandonment of water wells.<sup>3</sup> Because of this authorization, the issuance of well permits are the sole responsibility of the WMDs, delegated local governments, or local county health departments. Further, DEP has authorized the WMDs to adopt rules and procedures relating in part to the location, construction, repair, and abandonment of water wells; to implement a program for the licensing of water well contractors; and to adopt by rule disciplinary guidelines applicable to each specific ground for disciplinary action which may be imposed by the WMDs.<sup>4</sup>

### Water Well Regulations

#### *Licensure of Water Well Contractors*

A water well is defined as any excavation to acquire, locate, or artificially recharge groundwater.<sup>5</sup> The law requires that every person who wishes to engage in business as a water well contractor must obtain a license from the appropriate WMD.<sup>6</sup> Each person desiring to be licensed as a water well contractor must apply to take a licensure examination. The application must be made to the WMD in which the applicant resides or in which his or her principal place of business is located. If the applicant resides in another state, he or she must apply to the WMD in which most of his or her business will take place.<sup>7</sup>

An applicant who meets the following requirements shall be entitled to take the water well contractor licensure examination:

- Is at least 18 years of age.
- Has at least two years of experience in constructing, repairing, or abandoning water wells.
- Has completed the application form and remitted a nonrefundable application fee.<sup>8</sup>

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<sup>1</sup> DEP, *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts#:~:text=The%20state%27s%20five%20water%20management%20districts%20include%20the,District%2C%20and%20the%20South%20Florida%20Water%20Management%20District>. (last visited Jan. 24, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> Section 373.308, F.S.; DEP *Water Well Contractor Licensing and Permitting*, <https://floridadep.gov/water/source-drinking-water/content/water-well-contractor-licensing-and-permitting> (last visited Jan. 24, 2024).

<sup>4</sup> *Id.*; see ss. 373.323, 373.333, and 373.336, F.S.; see, e.g., ch. 40E-3, F.A.C. (South Florida Water Management District rules relating to water wells).

<sup>5</sup> Institute of Food and Agricultural Sciences (UF/IFAS), *2021 Handbook of Florida Water Regulation: Water Wells*, <https://edis.ifas.ufl.edu/publication/FE603> (last visited Jan. 24, 2024).

<sup>6</sup> Section 373.323, F.S.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

An applicant must demonstrate satisfactory proof of his or her two years of experience by providing the following:

- Evidence of the length of time the applicant has been engaged in the business of the construction, repair, or abandonment of water wells as a major activity, as attested to by a letter from a water well contractor or a letter from a water well inspector employed by a governmental agency.
- A list of at least ten water wells that the applicant has constructed, repaired, or abandoned within the preceding five years. Of these wells, at least seven must have been constructed by the applicant. The list shall also include:
  - The name and address of the owner or owners of each well.
  - The location, primary use, and approximate depth and diameter of each well that the applicant has constructed, repaired, or abandoned.
  - The approximate date the construction, repair, or abandonment of each well was completed.<sup>9</sup>

The WMD must issue a water well contracting license to any applicant who:

- Receives a passing grade on the examination,
- Has paid the initial application fee,
- Takes and completes a minimum of 12 hours of approved coursework, and
- Has complied with the requirements listed above.

Once licensed, a water well contractor may install, repair and modify pumps and tanks in accordance with the Florida Building Code, Plumbing; Section 612—Wells pumps and tanks used for private potable water systems.<sup>10</sup> Due to revisions to the Florida Building Code, Section 612 now refers to solar systems and Section 614 refers to water wells.<sup>11</sup> In addition, licensed water well contractors may install pumps, tanks, and water conditioning equipment for all water systems.<sup>12</sup>

Exemptions to these licensing requirements may be made if the WMD finds that compliance with all requirements would result in undue hardship.<sup>13</sup> A WMD may grant an exemption to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of water well regulations. Further, a person who is not licensed may construct a well if the well is two inches or under in diameter, on his or her own or leased property intended for use only in a single-family house which is his or her residence, or intended for use only for farming purposes on the person's farm, and when the waters are not intended for use by the public or any residence other than his or her own, and he or she complies with all local and state rules and regulations relating to the construction of water wells.<sup>14</sup>

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> 2023 Florida Building Code, Plumbing, Eight Edition, Sections 612 and 614, available at [https://codes.iccsafe.org/content/FLPC2023P1/chapter-6-water-supply-and-distribution#FLPC2023P1\\_Ch06\\_Sec614](https://codes.iccsafe.org/content/FLPC2023P1/chapter-6-water-supply-and-distribution#FLPC2023P1_Ch06_Sec614). (last visited Jan. 24, 2024)

<sup>12</sup> Section 373.323, F.S.

<sup>13</sup> Section 373.326, F.S.

<sup>14</sup> *Id.*

### ***Disciplinary Guidelines***

The WMDs may adopt by rule disciplinary guidelines applicable to each specific ground for disciplinary action which may be imposed by the WMDs.<sup>15</sup> A specific finding of mitigating or aggravating circumstances shall allow a WMD to impose a penalty other than that provided in the guidelines. Disciplinary action may be taken by any WMD, regardless of where the contractor's license was issued.<sup>16</sup>

When a WMD has reasonable grounds for believing that there has been a violation of water well regulations or of any rule or regulation adopted pursuant thereto, it must give written notice to the alleged violator. The notice must be served in the manner required by law for the service of process upon a person in a civil action or by registered U.S. mail to the last known address of the alleged violator.

Notice alleging a violation of a rule setting minimum standards for the location, construction, repair, or abandonment of wells shall be accompanied by an order of the WMD requiring remedial action which, if taken within the time specified in the order, will effect compliance with the requirements of water well regulations and regulations issued pursuant thereto. Such order shall become final unless a request for a hearing is made within 30 days from the date of service of such order. Upon compliance, the WMD shall serve notice stating that compliance with the order has been achieved.<sup>17</sup>

### ***Unlawful Acts***

The statutes provide that, with respect to water well regulations, it is unlawful for any person to:

- Practice water well contracting without an active license.
- Construct, repair, or abandon a water well, or operate drilling equipment for such purpose, unless employed by or under the supervision of a licensed water well contractor or exempt.
- Give false or forged evidence to obtain a license.
- Present as his or her own the license of another.
- Use or attempt to use a license to practice water well contracting that has been suspended, revoked, or placed on inactive status.
- Engage in willful or repeated violation of water well regulations or of any DEP rule or regulation or WMD or state agency rule or regulation relating to water wells which endangers the public health, safety, and welfare.<sup>18</sup>

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<sup>15</sup> Section 373.333, F.S.

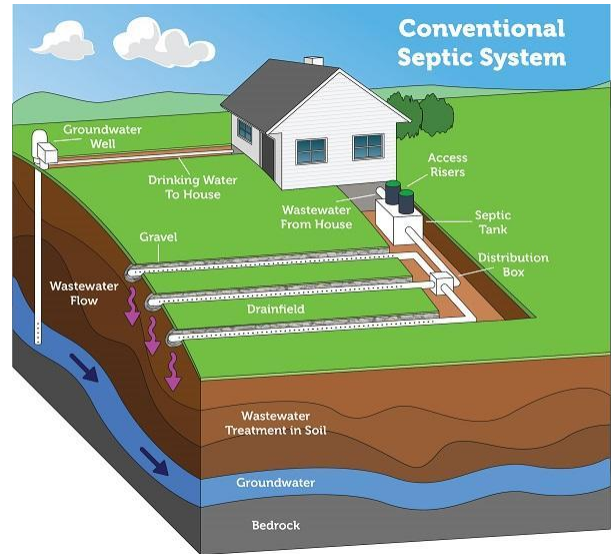
<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Section 373.336, F.S.

## Onsite Sewage Treatment and Disposal Systems

Onsite Sewage Treatment and Disposal Systems (OSTDSs), commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.<sup>19</sup> Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.<sup>20</sup>



There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state’s population.<sup>21</sup> In Florida, development in some areas is dependent on OSTDSs due to the cost and time it takes to install central sewer systems.<sup>22</sup> For example, in rural areas and low-density developments, central sewer systems are not cost-effective. In 2008, less than one percent of OSTDSs in Florida were actively managed under operating permits and maintenance agreements.<sup>23</sup> The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.<sup>24</sup>

In a conventional OSTDS, a septic tank does not reduce nitrogen from the raw sewage. In Florida, approximately 30-40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.<sup>25</sup> This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.<sup>26</sup>

<sup>19</sup> DOH, *Septic System Information and Care*, <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Jan. 9, 2024); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 24, 2024) (showing the graphic provided in the analysis).

<sup>20</sup> *Id.*

<sup>21</sup> DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Jan. 24, 2024).

<sup>22</sup> DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, Executive Summary (Oct. 1, 2008), available at [http://www.floridahealth.gov/environmental-health/onsite-sewage/\\_documents/costs-implement-mandatory-statewide-inspection.pdf](http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/costs-implement-mandatory-statewide-inspection.pdf). (last visited Jan. 24, 2024).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/draftlegreportsm.pdf>; (last visited Jan. 24, 2024). *See* Fla. Admin. Code R. 64E-6.006(2).

<sup>26</sup> University of Florida Institute of Food and Agricultural Sciences (IFAS), *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (Oct. 2020), available at <http://edis.ifas.ufl.edu/pdf/SS/SS5000.pdf>. (last visited Jan. 24, 2024).

Different types of advanced OSTDSs exist that can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems).<sup>27</sup> DEP publishes on its website approved products and resources on advanced systems.<sup>28</sup> Determining which advanced system is the best option can depend on site-specific conditions.

In 2020, the Clean Waterways Act provided for the transfer of the Onsite Sewage Program from the Department of Health (DOH) to DEP.<sup>29</sup> The Onsite Sewage Program will be transferred over a period of five years, and guidelines for the transfer are provided by an interagency agreement.<sup>30</sup> Per the agreement, DEP has the primary powers and duties of the Onsite Sewage Program, meaning that the county departments of health will implement the OSTDS program under the direction of DEP instead of DOH.<sup>31</sup> The county departments of health still handle permitting and inspection of OSTDS.<sup>32</sup> In the event of an alleged violation of OSTDS laws, county departments of health will be responsible for conducting an inspection to gather information regarding the allegations.<sup>33</sup>

### *Variations*

DEP is required by law to grant variances in hardship cases relating to OSTDSs under certain conditions.<sup>34</sup> DEP may grant variances in hardship cases which may be less restrictive than OSTDSs regulations specified in law.<sup>35</sup> A variance may not be granted until DEP is satisfied of the following:

- The hardship was not caused intentionally by the action of the applicant;
- A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and
- The discharge from the OSTDS will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.<sup>36</sup>

The law provides that where soil conditions, water table elevation, and setback provisions are determined by DEP to be satisfactory, special consideration must be given to those lots platted before 1972.<sup>37</sup>

<sup>27</sup> DOH, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at [http://www.floridahealth.gov/environmental-health/onsite-sewage/products/\\_documents/bmap-n-reducing-tech-18-10-29.pdf](http://www.floridahealth.gov/environmental-health/onsite-sewage/products/_documents/bmap-n-reducing-tech-18-10-29.pdf). (last visited Jan. 24, 2024).

<sup>28</sup> DEP, *Onsite Sewage Program, Product Listings and Approval Requirements*, <https://floridadep.gov/water/onsite-sewage/content/product-listings-and-approval-requirements>. (last visited Jan. 24, 2024).

<sup>29</sup> DEP, *Program Transfer*, <https://floridadep.gov/water/onsite-sewage/content/program-transfer> (last visited Jan. 24, 2024).

<sup>30</sup> DOH, DEP, *Interagency Agreement between DEP and DOH in Compliance with Florida’s Clean Waterways Act for Transfer of the Onsite Sewage Program*, 5 (June 30, 2021), available at [http://www.floridahealth.gov/environmental-health/onsite-sewage/\\_documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf](http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf). (last visited Jan. 24, 2024).

<sup>31</sup> *Id.* at 14.

<sup>32</sup> *Id.* at 11; and DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 24, 2024).

<sup>33</sup> DOH, DEP, *Interagency Agreement between DEP and DOH in Compliance with Florida’s Clean Waterways Act for Transfer of the Onsite Sewage Program* at 11.

<sup>34</sup> Section 381.0065(3), F.S.

<sup>35</sup> Section 381.0065(4), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*



DEP is required to appoint and staff a variance review and advisory committee, which meets monthly to recommend agency action on variance requests.<sup>38</sup> The committee makes its recommendations of variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee must consider the criteria listed above in its recommended agency action on variance requests and must also strive to allow property owners the full use of their land where possible.<sup>39</sup>

The variance review and advisory committee consists of the following:

- The Secretary of Environmental Protection or his or her designee.
- A representative from the county health departments.
- A representative from the home building industry recommended by the Florida Home Builders Association.
- A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
- A representative from the Department of Health.
- A representative from the real estate industry who is also a developer in Florida who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.
- A representative from the engineering profession recommended by the Florida Engineering Society.<sup>40</sup>

Members of the variance review and advisory committee shall be appointed for a three-year term, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses.<sup>41</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 373.323, F.S., to specify that an applicant is eligible to take the water well contractor licensure examination if he or she has at least two years of experience in constructing, repairing, or abandoning water wells specifically permitted in this state.

The bill amends the requirement that an applicant must show proof that he or she is eligible by providing a list of at least ten water wells he or she has constructed, repaired, or abandoned within the preceding five years by requiring those water wells to be permitted in this state.

The bill updates a reference to the Florida Building Code, Plumbing. It provides that water well contractors licensed under this section may install, repair, and modify pumps and tanks in accordance with the Florida Building Code, Plumbing; Section 614—Wells pumps and tanks used for private potable water systems.

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<sup>38</sup> *Id.*; DEP, *Variances*, available at <https://floridadep.gov/water/onsite-sewage/content/variances> (last visited Jan. 24, 2024).

<sup>39</sup> Section 381.0065(4), F.S.

<sup>40</sup> *Id.*; DEP, *Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems*, available at [https://floridadep.gov/sites/default/files/OSTDSVarianceReviewAdvisoryCommittee-Members\\_0.pdf](https://floridadep.gov/sites/default/files/OSTDSVarianceReviewAdvisoryCommittee-Members_0.pdf) (last visited Jan. 24, 2024).

<sup>41</sup> Section 381.0065(4), F.S.



**Section 2** amends s. 373.333, F.S., to provide that the disciplinary guideline rules must be consistently applied by the water management districts (WMDs) or by an authority to whom a WMD has delegated enforcement powers.

The bill requires that if a written notice for an alleged violation of this part or any rule or regulation adopted pursuant hereto is served by mail, it must be certified U.S. mail. Current law requires registered U.S. mail.

The bill provides that an order of a WMD requiring remedial action is final unless a request for hearing is made within 30 days after the date of service of such order.

**Section 3** amends s. 373.336, F.S., to provide that the listed unlawful acts are also unlawful for a business entity, as applicable. The bill adds that it is unlawful to advertise water well drilling or construction services if the business entity is not owned by a licensed water well contractor or does not employ a full-time water well contractor.

The bill provides that a person who violates this part or a regulation or an order issued hereunder commits a misdemeanor of the second degree. The bill deletes language providing that a person shall, upon conviction, be guilty of a misdemeanor of the second degree.

**Section 4** amends s. 381.0065, F.S., to delete language requiring the Department of Environmental Protection (DEP) to appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The bill removes provisions relating to the advisory committee. The bill also removes language providing that an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

The bill provides that DEP's rules relating to the location of onsite sewage treatment and disposal systems must, in consultation with the water management districts, allow a licensed water well contractor to apply for and receive a variance for the installation of a private or public potable water well from the applicable water management district in the region of installation.

**Section 5** provides an effective date of July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 373.323, 373.333, 373.336, 381.0065.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Community Affairs on January 29, 2024:**

The CS provides that DEP's rules relating to the location of onsite sewage treatment and disposal systems must, in consultation with the water management districts, allow a licensed water well contractor to apply for and receive a variance for the installation of a private or public potable water well from the applicable water management district in the region of installation.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/31/2024	.	
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	.	
	.	

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The Committee on Community Affairs (Trumbull) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 56 - 197

and insert:

Section 1. Subsections (1) and (3) of section 373.333, Florida Statutes, are amended to read:

373.333 Disciplinary guidelines; adoption and enforcement; license suspension or revocation.—

(1) The department shall adopt by rule disciplinary guidelines applicable to each specific ground for disciplinary



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11 action which may be imposed by the water management districts,  
12 providing each water management district and representatives of  
13 the water well contracting industry with meaningful opportunity  
14 to participate in the development of the disciplinary guideline  
15 rules as they are drafted. The disciplinary guidelines must  
16 ~~shall~~ be adopted by each water management district. The  
17 guideline rules must ~~shall~~ be consistently applied by the water  
18 management districts, or by an authority to whom a water  
19 management district has delegated enforcement powers, and must  
20 do all of the following shall:

21 (a) Specify a meaningful range of designated penalties  
22 based upon the severity and repetition of specific offenses.

23 (b) Distinguish minor violations from those which endanger  
24 public health, safety, and welfare or contaminate the water  
25 resources.

26 (c) Inform the public of likely penalties which may be  
27 imposed for proscribed conduct.

28  
29 A specific finding of mitigating or aggravating circumstances  
30 shall allow a water management district to impose a penalty  
31 other than that provided in the guidelines. Disciplinary action  
32 may be taken by any water management district, regardless of  
33 where the contractor's license was issued.

34 (3) Such notice must ~~shall~~ be served in the manner required  
35 by law for the service of process upon a person in a civil  
36 action or by certified ~~registered~~ United States mail to the last  
37 known address of the person. The water management district shall  
38 send copies of such notice only to persons who have specifically  
39 requested such notice or to entities with which the water



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40 management district has formally agreed to provide such notice.  
41 Notice alleging a violation of a rule setting minimum standards  
42 for the location, construction, repair, or abandonment of wells  
43 must ~~shall~~ be accompanied by an order of the water management  
44 district requiring remedial action which, if taken within the  
45 time specified in such order, will effect compliance with ~~the~~  
46 ~~requirements~~ of this part and regulations issued hereunder. Such  
47 order is ~~shall become~~ final unless a request for hearing as  
48 provided in chapter 120 is made within 30 days after ~~from~~ the  
49 date of service of such order. Upon compliance, notice must  
50 ~~shall~~ be served by the water management district in a timely  
51 manner upon each person and entity who received notice of a  
52 violation, stating that compliance with the order has been  
53 achieved.

54 Section 2. Subsections (1) and (3) of section 373.336,  
55 Florida Statutes, are amended to read:

56 373.336 Unlawful acts; penalties.—

57 (1) It is unlawful for any person or business entity, as  
58 applicable, to do any of the following:

59 (a) Practice water well contracting without an active  
60 license issued pursuant to this part.

61 (b) Construct, repair, or abandon a water well, or operate  
62 drilling equipment for such purpose, unless employed by or under  
63 the supervision of a licensed water well contractor or exempt  
64 under s. 373.326.

65 (c) Give false or forged evidence to obtain a license.

66 (d) Present as his or her own the license of another.

67 (e) Use or attempt to use a license to practice water well  
68 contracting which license has been suspended, revoked, or placed



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69 on inactive status.

70 (f) Engage in willful or repeated violation of this part or  
71 of any department rule or regulation or water management  
72 district or state agency rule or regulation relating to water  
73 wells which endangers the public health, safety, and welfare.

74 (g) Advertise water well drilling or construction services  
75 if the business entity is not owned by a licensed water well  
76 contractor or does not employ a full-time water well contractor.

77 (3) ~~A Any person who violates any provision of this part or~~  
78 ~~a regulation or an order issued hereunder commits shall, upon~~  
79 ~~conviction, be guilty of a misdemeanor of the second degree,~~  
80 punishable as provided in s. 775.082 or s. 775.083. Continuing  
81 violation after an order or a conviction constitutes shall  
82 ~~constitute~~ a separate violation for each day so continued.

83 Section 3. Paragraphs (e), (h), and (w) of subsection (4)  
84 of section 381.0065, Florida Statutes, are amended to read:

85 381.0065 Onsite sewage treatment and disposal systems;  
86 regulation.—

87 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
88 construct, repair, modify, abandon, or operate an onsite sewage  
89 treatment and disposal system without first obtaining a permit  
90 approved by the department. The department may issue permits to  
91 carry out this section, except that the issuance of a permit for  
92 work seaward of the coastal construction control line  
93 established under s. 161.053 shall be contingent upon receipt of  
94 any required coastal construction control line permit from the  
95 department. A construction permit is valid for 18 months after  
96 the date of issuance and may be extended by the department for  
97 one 90-day period under rules adopted by the department. A



98 repair permit is valid for 90 days after the date of issuance.  
99 An operating permit must be obtained before the use of any  
100 aerobic treatment unit or if the establishment generates  
101 commercial waste. Buildings or establishments that use an  
102 aerobic treatment unit or generate commercial waste shall be  
103 inspected by the department at least annually to assure  
104 compliance with the terms of the operating permit. The operating  
105 permit for a commercial wastewater system is valid for 1 year  
106 after the date of issuance and must be renewed annually. The  
107 operating permit for an aerobic treatment unit is valid for 2  
108 years after the date of issuance and must be renewed every 2  
109 years. If all information pertaining to the siting, location,  
110 and installation conditions or repair of an onsite sewage  
111 treatment and disposal system remains the same, a construction  
112 or repair permit for the onsite sewage treatment and disposal  
113 system may be transferred to another person, if the transferee  
114 files, within 60 days after the transfer of ownership, an  
115 amended application providing all corrected information and  
116 proof of ownership of the property. A fee is not associated with  
117 the processing of this supplemental information. A person may  
118 not contract to construct, modify, alter, repair, service,  
119 abandon, or maintain any portion of an onsite sewage treatment  
120 and disposal system without being registered under part III of  
121 chapter 489. A property owner who personally performs  
122 construction, maintenance, or repairs to a system serving his or  
123 her own owner-occupied single-family residence is exempt from  
124 registration requirements for performing such construction,  
125 maintenance, or repairs on that residence, but is subject to all  
126 permitting requirements. A municipality or political subdivision





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127 of the state may not issue a building or plumbing permit for any  
128 building that requires the use of an onsite sewage treatment and  
129 disposal system unless the owner or builder has received a  
130 construction permit for such system from the department. A  
131 building or structure may not be occupied and a municipality,  
132 political subdivision, or any state or federal agency may not  
133 authorize occupancy until the department approves the final  
134 installation of the onsite sewage treatment and disposal system.  
135 A municipality or political subdivision of the state may not  
136 approve any change in occupancy or tenancy of a building that  
137 uses an onsite sewage treatment and disposal system until the  
138 department has reviewed the use of the system with the proposed  
139 change, approved the change, and amended the operating permit.

140 (e) The department shall adopt rules relating to the  
141 location of onsite sewage treatment and disposal systems,  
142 including establishing setback distances, to prevent groundwater  
143 contamination and surface water contamination and to preserve  
144 the public health. The rules must:

145 1. Consider conventional and enhanced nutrient-reducing  
146 onsite sewage treatment and disposal system designs, impaired or  
147 degraded water bodies, domestic wastewater and drinking water  
148 infrastructure, potable water sources, nonpotable wells,  
149 stormwater infrastructure, the onsite sewage treatment and  
150 disposal system remediation plans developed pursuant to s.  
151 403.067(7)(a)9.b., nutrient pollution, and the recommendations  
152 of the onsite sewage treatment and disposal systems technical  
153 advisory committee established pursuant to former s. 381.00652.  
154 The rules must also

155 2. Allow a person to apply for and receive a variance from



156 a rule requirement upon demonstration that the requirement would  
157 cause an undue hardship and granting the variance would not  
158 cause or contribute to the exceedance of a total maximum daily  
159 load.

160 3. In consultation with the water management districts,  
161 allow a licensed water well contractor to apply for and receive  
162 a variance for the installation of a private or public potable  
163 water well from the applicable water management district in the  
164 region of installation.

165  
166 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

167 And the directory clause is amended as follows:

168 Delete lines 24 - 25

169 and insert:

170 Section 4. Subsection (3) of section 373.323, Florida  
171 Statutes, is amended to read:

172  
173 ===== T I T L E A M E N D M E N T =====

174 And the title is amended as follows:

175 Delete lines 5 - 17

176 and insert:

177 water well contractor license examination; amending s.  
178 373.333, F.S.; authorizing certain authorities who  
179 have been delegated enforcement powers by water  
180 management districts to apply disciplinary guidelines  
181 adopted by the districts; requiring that certain  
182 notices be delivered by certified, rather than  
183 registered, mail; making technical changes; amending  
184 s. 373.336, F.S.; prohibiting a person or business



700966

185       entity from advertising water well drilling or  
186       construction services in specified circumstances;  
187       amending s. 381.0065, F.S.; requiring the Department  
188       of Environmental Protection to adopt rules that allow  
189       licensed well contractors to apply for and receive  
190       from water management districts within the region of  
191       installation a variance for private and public potable  
192       well installations; deleting provisions



755128

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Trumbull) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 141 - 197

and insert:

Section 4. Paragraphs (e), (h), and (w) of subsection (4) of section 381.0065, Florida Statutes, are amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage



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11 treatment and disposal system without first obtaining a permit  
12 approved by the department. The department may issue permits to  
13 carry out this section, except that the issuance of a permit for  
14 work seaward of the coastal construction control line  
15 established under s. 161.053 shall be contingent upon receipt of  
16 any required coastal construction control line permit from the  
17 department. A construction permit is valid for 18 months after  
18 the date of issuance and may be extended by the department for  
19 one 90-day period under rules adopted by the department. A  
20 repair permit is valid for 90 days after the date of issuance.  
21 An operating permit must be obtained before the use of any  
22 aerobic treatment unit or if the establishment generates  
23 commercial waste. Buildings or establishments that use an  
24 aerobic treatment unit or generate commercial waste shall be  
25 inspected by the department at least annually to assure  
26 compliance with the terms of the operating permit. The operating  
27 permit for a commercial wastewater system is valid for 1 year  
28 after the date of issuance and must be renewed annually. The  
29 operating permit for an aerobic treatment unit is valid for 2  
30 years after the date of issuance and must be renewed every 2  
31 years. If all information pertaining to the siting, location,  
32 and installation conditions or repair of an onsite sewage  
33 treatment and disposal system remains the same, a construction  
34 or repair permit for the onsite sewage treatment and disposal  
35 system may be transferred to another person, if the transferee  
36 files, within 60 days after the transfer of ownership, an  
37 amended application providing all corrected information and  
38 proof of ownership of the property. A fee is not associated with  
39 the processing of this supplemental information. A person may



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40 not contract to construct, modify, alter, repair, service,  
41 abandon, or maintain any portion of an onsite sewage treatment  
42 and disposal system without being registered under part III of  
43 chapter 489. A property owner who personally performs  
44 construction, maintenance, or repairs to a system serving his or  
45 her own owner-occupied single-family residence is exempt from  
46 registration requirements for performing such construction,  
47 maintenance, or repairs on that residence, but is subject to all  
48 permitting requirements. A municipality or political subdivision  
49 of the state may not issue a building or plumbing permit for any  
50 building that requires the use of an onsite sewage treatment and  
51 disposal system unless the owner or builder has received a  
52 construction permit for such system from the department. A  
53 building or structure may not be occupied and a municipality,  
54 political subdivision, or any state or federal agency may not  
55 authorize occupancy until the department approves the final  
56 installation of the onsite sewage treatment and disposal system.  
57 A municipality or political subdivision of the state may not  
58 approve any change in occupancy or tenancy of a building that  
59 uses an onsite sewage treatment and disposal system until the  
60 department has reviewed the use of the system with the proposed  
61 change, approved the change, and amended the operating permit.

62 (e) The department shall adopt rules relating to the  
63 location of onsite sewage treatment and disposal systems,  
64 including establishing setback distances, to prevent groundwater  
65 contamination and surface water contamination and to preserve  
66 the public health. In adopting such rules, the department ~~rules~~  
67 must:

68 1. Consider conventional and enhanced nutrient-reducing



69 onsite sewage treatment and disposal system designs, impaired or  
70 degraded water bodies, domestic wastewater and drinking water  
71 infrastructure, potable water sources, nonpotable wells,  
72 stormwater infrastructure, the onsite sewage treatment and  
73 disposal system remediation plans developed pursuant to s.  
74 403.067(7)(a)9.b., nutrient pollution, and the recommendations  
75 of the onsite sewage treatment and disposal systems technical  
76 advisory committee established pursuant to former s. 381.00652.

77 2. The rules must also Allow a person to apply for and  
78 receive a variance from a rule requirement upon demonstration  
79 that the requirement would cause an undue hardship and that  
80 granting the variance would not cause or contribute to the  
81 exceedance of a total maximum daily load.

82 3. In consultation with the water management districts,  
83 allow a licensed water well contractor to apply for and receive  
84 a variance for the installation of a private or public potable  
85 water well from the applicable water management district within  
86 the region of installation.

87  
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete line 17

91 and insert:

92 amending s. 381.0065, F.S.; requiring that certain  
93 rules adopted by Department of Environmental  
94 Protection relating to the location of onsite sewage  
95 treatment and disposal systems allow licensed water  
96 well contractors to apply for and receive from the  
97 water management district within the region of



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98 installation a variance for private or public potable  
99 well installations; deleting provisions



By Senator Trumbull

2-01501A-24

20241136\_\_

1                                   A bill to be entitled  
 2       An act relating to the regulation of water resources;  
 3       amending s. 373.323, F.S.; revising the qualification  
 4       requirements a person must meet in order to take the  
 5       water well contractor license examination; updating  
 6       the reference to the Florida Building Code standards  
 7       that a licensed water well contractor's work must  
 8       meet; amending s. 373.333, F.S.; authorizing certain  
 9       authorities who have been delegated enforcement powers  
 10      by water management districts to apply disciplinary  
 11      guidelines adopted by the districts; requiring that  
 12      certain notices be delivered by certified, rather than  
 13      registered, mail; making technical changes; amending  
 14      s. 373.336, F.S.; prohibiting a person or business  
 15      entity from advertising water well drilling or  
 16      construction services in specified circumstances;  
 17      amending s. 381.0065, F.S.; deleting provisions  
 18      relating to the variance review and advisory committee  
 19      for onsite sewage treatment and disposal system  
 20      permits; providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24       Section 1. Subsections (3) and (10) of section 373.323,  
 25 Florida Statutes, are amended to read:

26       373.323 Licensure of water well contractors; application,  
 27 qualifications, and examinations; equipment identification.—

28       (3) An applicant who meets all of the following  
 29 requirements is eligible ~~shall be entitled~~ to take the water

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30 well contractor licensure examination:

31 (a) Is at least 18 years of age.

32 (b) Has at least 2 years of experience in constructing,  
33 repairing, or abandoning water wells permitted in this state.

34 The applicant must demonstrate satisfactory proof of such  
35 experience ~~shall be demonstrated~~ by providing:

36 1. Evidence of the length of time he or she ~~the applicant~~  
37 has been engaged in the business of the construction, repair, or  
38 abandonment of water wells as a major activity, as attested to  
39 by a letter from a water well contractor or a letter from a  
40 water well inspector employed by a governmental agency.

41 2. A list of at least 10 water wells permitted in this  
42 state which he or she ~~that the applicant~~ has constructed,  
43 repaired, or abandoned within the preceding 5 years. Of these  
44 wells, at least seven must have been constructed, as defined in  
45 s. 373.303(2), by the applicant. The list must ~~shall~~ also  
46 include:

47 a. The name and address of the owner or owners of each  
48 well.

49 b. The location, primary use, and approximate depth and  
50 diameter of each well that the applicant has constructed,  
51 repaired, or abandoned.

52 c. The approximate date the construction, repair, or  
53 abandonment of each well was completed.

54 (c) Has completed the application form and remitted a  
55 nonrefundable application fee.

56 (10) Water well contractors licensed under this section may  
57 install, repair, and modify pumps and tanks in accordance with  
58 the Florida Building Code, Plumbing; Section 614-Wells ~~Section~~

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59 ~~612-Wells~~ Pumps And Tanks Used For Private Potable Water  
60 Systems. In addition, licensed water well contractors may  
61 install pumps, tanks, and water conditioning equipment for all  
62 water systems.

63 Section 2. Subsections (1) and (3) of section 373.333,  
64 Florida Statutes, are amended to read:

65 373.333 Disciplinary guidelines; adoption and enforcement;  
66 license suspension or revocation.—

67 (1) The department shall adopt by rule disciplinary  
68 guidelines applicable to each specific ground for disciplinary  
69 action which may be imposed by the water management districts,  
70 providing each water management district and representatives of  
71 the water well contracting industry with meaningful opportunity  
72 to participate in the development of the disciplinary guideline  
73 rules as they are drafted. The disciplinary guidelines must  
74 ~~shall~~ be adopted by each water management district. The  
75 guideline rules must ~~shall~~ be consistently applied by the water  
76 management districts, or by an authority to whom a water  
77 management district has delegated enforcement powers, and must  
78 do all of the following shall:

79 (a) Specify a meaningful range of designated penalties  
80 based upon the severity and repetition of specific offenses.

81 (b) Distinguish minor violations from those which endanger  
82 public health, safety, and welfare or contaminate the water  
83 resources.

84 (c) Inform the public of likely penalties which may be  
85 imposed for proscribed conduct.

86  
87 A specific finding of mitigating or aggravating circumstances

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88 shall allow a water management district to impose a penalty  
89 other than that provided in the guidelines. Disciplinary action  
90 may be taken by any water management district, regardless of  
91 where the contractor's license was issued.

92 (3) Such notice must ~~shall~~ be served in the manner required  
93 by law for the service of process upon a person in a civil  
94 action or by certified ~~registered~~ United States mail to the last  
95 known address of the person. The water management district shall  
96 send copies of such notice only to persons who have specifically  
97 requested such notice or to entities with which the water  
98 management district has formally agreed to provide such notice.  
99 Notice alleging a violation of a rule setting minimum standards  
100 for the location, construction, repair, or abandonment of wells  
101 must ~~shall~~ be accompanied by an order of the water management  
102 district requiring remedial action which, if taken within the  
103 time specified in such order, will effect compliance with ~~the~~  
104 ~~requirements of~~ this part and regulations issued hereunder. Such  
105 order is ~~shall become~~ final unless a request for hearing as  
106 provided in chapter 120 is made within 30 days after ~~from~~ the  
107 date of service of such order. Upon compliance, notice must  
108 ~~shall~~ be served by the water management district in a timely  
109 manner upon each person and entity who received notice of a  
110 violation, stating that compliance with the order has been  
111 achieved.

112 Section 3. Subsections (1) and (3) of section 373.336,  
113 Florida Statutes, are amended to read:

114 373.336 Unlawful acts; penalties.—

115 (1) It is unlawful for any person or business entity, as  
116 applicable, to do any of the following:

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117 (a) Practice water well contracting without an active  
118 license issued pursuant to this part.

119 (b) Construct, repair, or abandon a water well, or operate  
120 drilling equipment for such purpose, unless employed by or under  
121 the supervision of a licensed water well contractor or exempt  
122 under s. 373.326.

123 (c) Give false or forged evidence to obtain a license.

124 (d) Present as his or her own the license of another.

125 (e) Use or attempt to use a license to practice water well  
126 contracting which license has been suspended, revoked, or placed  
127 on inactive status.

128 (f) Engage in willful or repeated violation of this part or  
129 of any department rule or regulation or water management  
130 district or state agency rule or regulation relating to water  
131 wells which endangers the public health, safety, and welfare.

132 (g) Advertise water well drilling or construction services  
133 if the business entity is not owned by a licensed water well  
134 contractor or does not employ a full-time water well contractor.

135 (3) A ~~Any~~ person who violates ~~any provision of~~ this part or  
136 a regulation or an order issued hereunder commits shall, upon  
137 ~~conviction, be guilty of~~ a misdemeanor of the second degree,  
138 punishable as provided in s. 775.082 or s. 775.083. Continuing  
139 violation after an order or a conviction constitutes shall  
140 ~~constitute~~ a separate violation for each day so continued.

141 Section 4. Paragraphs (h) and (w) of subsection (4) of  
142 section 381.0065, Florida Statutes, are amended to read:

143 381.0065 Onsite sewage treatment and disposal systems;  
144 regulation.—

145 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not

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146 construct, repair, modify, abandon, or operate an onsite sewage  
147 treatment and disposal system without first obtaining a permit  
148 approved by the department. The department may issue permits to  
149 carry out this section, except that the issuance of a permit for  
150 work seaward of the coastal construction control line  
151 established under s. 161.053 shall be contingent upon receipt of  
152 any required coastal construction control line permit from the  
153 department. A construction permit is valid for 18 months after  
154 the date of issuance and may be extended by the department for  
155 one 90-day period under rules adopted by the department. A  
156 repair permit is valid for 90 days after the date of issuance.  
157 An operating permit must be obtained before the use of any  
158 aerobic treatment unit or if the establishment generates  
159 commercial waste. Buildings or establishments that use an  
160 aerobic treatment unit or generate commercial waste shall be  
161 inspected by the department at least annually to assure  
162 compliance with the terms of the operating permit. The operating  
163 permit for a commercial wastewater system is valid for 1 year  
164 after the date of issuance and must be renewed annually. The  
165 operating permit for an aerobic treatment unit is valid for 2  
166 years after the date of issuance and must be renewed every 2  
167 years. If all information pertaining to the siting, location,  
168 and installation conditions or repair of an onsite sewage  
169 treatment and disposal system remains the same, a construction  
170 or repair permit for the onsite sewage treatment and disposal  
171 system may be transferred to another person, if the transferee  
172 files, within 60 days after the transfer of ownership, an  
173 amended application providing all corrected information and  
174 proof of ownership of the property. A fee is not associated with

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175 the processing of this supplemental information. A person may  
176 not contract to construct, modify, alter, repair, service,  
177 abandon, or maintain any portion of an onsite sewage treatment  
178 and disposal system without being registered under part III of  
179 chapter 489. A property owner who personally performs  
180 construction, maintenance, or repairs to a system serving his or  
181 her own owner-occupied single-family residence is exempt from  
182 registration requirements for performing such construction,  
183 maintenance, or repairs on that residence, but is subject to all  
184 permitting requirements. A municipality or political subdivision  
185 of the state may not issue a building or plumbing permit for any  
186 building that requires the use of an onsite sewage treatment and  
187 disposal system unless the owner or builder has received a  
188 construction permit for such system from the department. A  
189 building or structure may not be occupied and a municipality,  
190 political subdivision, or any state or federal agency may not  
191 authorize occupancy until the department approves the final  
192 installation of the onsite sewage treatment and disposal system.  
193 A municipality or political subdivision of the state may not  
194 approve any change in occupancy or tenancy of a building that  
195 uses an onsite sewage treatment and disposal system until the  
196 department has reviewed the use of the system with the proposed  
197 change, approved the change, and amended the operating permit.

198 (h)~~1~~. The department may grant variances in hardship cases  
199 which may be less restrictive than the provisions specified in  
200 this section. If a variance is granted and the onsite sewage  
201 treatment and disposal system construction permit has been  
202 issued, the variance may be transferred with the system  
203 construction permit, if the transferee files, within 60 days

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204 after the transfer of ownership, an amended construction permit  
205 application providing all corrected information and proof of  
206 ownership of the property and if the same variance would have  
207 been required for the new owner of the property as was  
208 originally granted to the original applicant for the variance. A  
209 fee is not associated with the processing of this supplemental  
210 information. A variance may not be granted under this section  
211 until the department is satisfied that:

212 1.a. The hardship was not caused intentionally by the  
213 action of the applicant;

214 2.b. A reasonable alternative, taking into consideration  
215 factors such as cost, does not exist for the treatment of the  
216 sewage; and

217 3.e. The discharge from the onsite sewage treatment and  
218 disposal system will not adversely affect the health of the  
219 applicant or the public or significantly degrade the groundwater  
220 or surface waters.

221  
222 Where soil conditions, water table elevation, and setback  
223 provisions are determined by the department to be satisfactory,  
224 special consideration must be given to those lots platted before  
225 1972.

226 ~~2. The department shall appoint and staff a variance review~~  
227 ~~and advisory committee, which shall meet monthly to recommend~~  
228 ~~agency action on variance requests. The committee shall make its~~  
229 ~~recommendations on variance requests at the meeting in which the~~  
230 ~~application is scheduled for consideration, except for an~~  
231 ~~extraordinary change in circumstances, the receipt of new~~  
232 ~~information that raises new issues, or when the applicant~~



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233 ~~requests an extension. The committee shall consider the criteria~~  
234 ~~in subparagraph 1. in its recommended agency action on variance~~  
235 ~~requests and shall also strive to allow property owners the full~~  
236 ~~use of their land where possible. The committee consists of the~~  
237 ~~following:~~

238 ~~a. The Secretary of Environmental Protection or his or her~~  
239 ~~designee.~~

240 ~~b. A representative from the county health departments.~~

241 ~~e. A representative from the home building industry~~  
242 ~~recommended by the Florida Home Builders Association.~~

243 ~~d. A representative from the septic tank industry~~  
244 ~~recommended by the Florida Onsite Wastewater Association.~~

245 ~~e. A representative from the Department of Health.~~

246 ~~f. A representative from the real estate industry who is~~  
247 ~~also a developer in this state who develops lots using onsite~~  
248 ~~sewage treatment and disposal systems, recommended by the~~  
249 ~~Florida Association of Realtors.~~

250 ~~g. A representative from the engineering profession~~  
251 ~~recommended by the Florida Engineering Society.~~

252

253 ~~Members shall be appointed for a term of 3 years, with such~~  
254 ~~appointments being staggered so that the terms of no more than~~  
255 ~~two members expire in any one year. Members shall serve without~~  
256 ~~remuneration, but if requested, shall be reimbursed for per diem~~  
257 ~~and travel expenses as provided in s. 112.061.~~

258 ~~(w) A governmental entity, including a municipality,~~  
259 ~~county, or statutorily created commission, may not require an~~  
260 ~~engineer-designed performance-based treatment system, excluding~~  
261 ~~a passive engineer-designed performance-based treatment system,~~

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262 before the completion of the Florida Onsite Sewage Nitrogen  
263 Reduction Strategies Project. This paragraph does not apply to a  
264 governmental entity, including a municipality, county, or  
265 statutorily created commission, which adopted a local law,  
266 ordinance, or regulation on or before January 31, 2012.  
267 ~~Notwithstanding this paragraph, an engineer-designed~~  
268 ~~performance-based treatment system may be used to meet the~~  
269 ~~requirements of the variance review and advisory committee~~  
270 ~~recommendations.~~

271 Section 5. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Commerce and Tourism, *Chair*  
Appropriations Committee on Transportation, Tourism,  
and Economic Development, *Vice Chair*  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Banking and Insurance  
Fiscal Policy  
Judiciary  
Transportation

### SELECT COMMITTEE:

Select Committee on Resiliency

### SENATOR JAY TRUMBULL

2nd District

January 17, 2024

Re: SB 1136

Dear Chair Calatayud,

I am respectfully requesting that Senate Bill 1136, related to Regulation of Water Resources, be placed on the agenda for your next meeting of Community Affairs Committee.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Trumbull", written over a faint circular stamp.

Senator Jay Trumbull

District 2

#### REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- 320 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

11/29/24

Meeting Date

1136

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Ryan Matthews

Phone

850 577-9090

Address

301 S. Bronough St Suite 1000

Email

Ryan.Matthews@guy-abraham.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: FGWA

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

11/29/24

Meeting Date

1136

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Mike Ward

Phone 850-336-2533

Address 5624 Pasture Ln

Email Mike@Clydeswellservice.com

Street

Jay

City

FL

State

32565

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: SB 1530

INTRODUCER: Senator Martin

SUBJECT: Unauthorized Public Camping and Public Sleeping

DATE: January 26, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 1530 prohibits counties and municipalities, from authorizing or permitting public sleeping or public camping on public property, at public buildings, or on public rights-of-way within the government’s jurisdiction without a lawfully issued temporary permit, except under certain circumstances. This prohibition does not apply during a state of emergency issued by the Governor.

The bill additionally permits a person or business to bring a civil action in any court of competent jurisdiction against a county or municipality to enjoin a violation of the prohibition against permitting camping.

The bill takes effect October 1, 2024.

**II. Present Situation:**

**Legislation Related to Homeless Encampments**

Several states and local governments recently have heard or passed legislation related to homeless encampments on public property. Some of these efforts have been directed at banning or removing homeless encampments,<sup>1</sup> while others have moved toward protecting the rights of homeless populations to camp on public property.<sup>2</sup> State and Federal Courts have opined on the constitutionality of these varied provisions on a case-by-case basis.<sup>3</sup> Significantly, the Ninth Circuit Court of Appeals found that an Oregon city’s ordinance which precluded the use of bedding supplies when sleeping in public violated the Federal constitution’s “cruel and unusual

---

<sup>1</sup> See e.g., 2023 Georgia Senate Bill No. 62, 2024 Kentucky House Bill No. 5.

<sup>2</sup> See e.g., 2017 Colorado House Bill No. 17-1314.

<sup>3</sup> See e.g., 2022 Missouri House Bill No. 1606; *Frank v. City of St. Louis*, 458 F. Supp. 3d 1090, 1092 (E.D. Mo. 2020).

punishments” clause<sup>4</sup> as applied to individuals who were involuntarily experiencing homelessness and who lacked shelter in which to lawfully sleep,<sup>5</sup> while the Eleventh Circuit has previously upheld similar restrictions.<sup>6</sup> On January 12, 2024, the U.S. Supreme Court agreed to take up this case to determine whether the enforcement of generally applicable laws regulating camping on public property is constitutional.<sup>7</sup>

### ***Local Legislation in Florida***

Numerous local governments in Florida have passed local legislation banning camping. Miami Beach, for example, provides that it is unlawful for any person to engage in camping on any public place within the city unless specifically authorized for that purpose by the city manager or his designee.<sup>8</sup> The ordinance defines camping as:

- Sleeping in a temporary shelter out-of-doors or otherwise being in a temporary shelter out of doors; or
- Cooking over an open flame or fire out-of-doors or utilizing non-city designated cooking facilities outdoor.

The Miami Beach ordinance is enforceable by vacating the area. The willful refusal to vacate the area is punishable with a fine not exceeding \$500 or by imprisonment for up to 60 days. If the official encounters a person camping who volunteers that he or she has no home or other permanent shelter, he or she must be given an opportunity to enter a homeless shelter or similar facility, if available. If no such facility is available, an arrest may not be made.

### **III. Effect of Proposed Changes:**

The bill creates sections 125.0231 and 166.0453, F.S., to prohibit counties and municipalities, respectively, from authorizing or permitting public sleeping or public camping on public property, at public buildings, or on public rights-of-way within the government’s jurisdiction without a lawfully issued temporary permit.

A county or municipality may designate certain public property for sleeping or camping subject to the following conditions, the sufficiency of which is to be determined by the Department of Children and Families:

- Minimum sanitation levels, including but not limited to access to clean and operable restrooms and running water;
- Security presence on site;
- Access to behavioral health services, including substance abuse and mental health treatment;
- Drugs and alcohol are prohibited within the designated area; and
- The property may not be in a location where it adversely and materially affects the value or security of existing residential or commercial properties.

This prohibition does not apply during a state of emergency issued by the Governor.

---

<sup>4</sup> Am. 8, U.S. CONST.

<sup>5</sup> *Johnson v. City of Grants Pass*, 72 F.4th 868, 890 (9th Cir. 2023), cert. granted sub nom. *Grants Pass, OR v. Johnson*, No. 23-175, 2024 WL 133820 (U.S. Jan. 12, 2024).

<sup>6</sup> *Joel v. City of Orlando*, 232 F.3d 1353, 1355 (11th Cir. 2000).

<sup>7</sup> *Id.*

<sup>8</sup> See section 70-45, Miami Beach Code of Ordinances, this paragraph.

The bill additionally permits a person or business to bring a civil action in any court of competent jurisdiction against a county or municipality to enjoin a violation of the prohibition against permitting camping.

The bill contains a finding of important state interest.

The bill takes effect October 1, 2024.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.



**VII. Related Issues:**

The bill leaves the terms “sleeping,” “camping,” and “permit” undefined. It is unclear whether the bill may interfere with existing local parks and recreation operations. While the bill contains an exception for states of emergency issued by the Governor, it is unclear whether the bill may interfere with local emergency management operations during scenarios that do not rise to a state of emergency, such as cold weather warnings.

**VIII. Statutes Affected:**

This bill creates sections 125.0231 and 166.0453 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By Senator Martin

33-00804A-24

20241530\_\_

1                                   A bill to be entitled  
2       An act relating to unauthorized public camping and  
3       public sleeping; creating ss. 125.0231 and 166.0453,  
4       F.S.; prohibiting counties and municipalities,  
5       respectively, from permitting public sleeping or  
6       public camping on public property without a permit;  
7       authorizing counties and municipalities, respectively,  
8       to designate certain public property for such uses;  
9       providing requirements for such property; providing  
10      for enforcement actions; providing an exception for  
11      declared emergencies; providing a declaration of  
12      important state interest; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16       Section 1. Section 125.0231, Florida Statutes, is created  
17 to read:

18       125.0231 Unauthorized public camping and public sleeping.-

19       (1) A county may not authorize or permit public sleeping or  
20 public camping on public property, at public buildings, or on  
21 public rights-of-way within the county's jurisdiction without a  
22 lawfully issued temporary permit. However, a county may, in its  
23 discretion, designate certain county property for public  
24 sleeping or public camping, subject to the following conditions,  
25 the sufficiency of which shall be determined by the Department  
26 of Children and Families:

27       (a) Minimum sanitation levels, which include, but are not  
28 limited to, access to clean and operable restrooms and running  
29 water.

33-00804A-24

20241530\_\_

30 (b) Security present on site at all times.

31 (c) Access to behavioral health services, including, but  
32 not limited to, substance abuse and mental health treatment  
33 resources.

34 (d) Drugs and alcohol are prohibited within the designated  
35 area.

36 (e) The designated area may not be in a location where it  
37 adversely and materially affects the value or security of  
38 existing residential or commercial properties.

39 (2) A person or business may bring a civil action in any  
40 court of competent jurisdiction against any county to enjoin a  
41 violation of this section and may recover reasonable expenses  
42 incurred in any successful civil action brought pursuant to this  
43 section, including court costs, reasonable attorney fees,  
44 investigative costs, witness fees, and deposition costs.

45 (3) This section does not apply during a state of emergency  
46 issued by the Governor.

47 Section 2. Section 166.0453, Florida Statutes, is created  
48 to read:

49 166.0453 Unauthorized public camping and public sleeping.-

50 (1) A municipality may not authorize or permit public  
51 sleeping or public camping on public property, at public  
52 buildings, or on public rights-of-way within the municipality's  
53 jurisdiction without a lawfully issued temporary permit.  
54 However, a municipality may, in its discretion, designate  
55 certain municipal property for public sleeping or public  
56 camping, subject to the following conditions, the sufficiency of  
57 which shall be determined by the Department of Children and  
58 Families:

33-00804A-24

20241530\_\_

59 (a) Minimum sanitation levels, which include, but are not  
60 limited to, access to clean and operable restrooms and running  
61 water.

62 (b) Security present on site at all times.

63 (c) Access to behavioral health services, including, but  
64 not limited to, substance abuse and mental health treatment  
65 resources.

66 (d) Drugs and alcohol are prohibited within the designated  
67 area.

68 (e) The designated area may not be in a location where it  
69 adversely and materially affects the value or security of  
70 existing residential or commercial properties.

71 (2) A person or business may bring a civil action in any  
72 court of competent jurisdiction against any municipality to  
73 enjoin a violation of this section and may recover reasonable  
74 expenses incurred in any successful civil action brought  
75 pursuant to this section, including court costs, reasonable  
76 attorney fees, investigative costs, witness fees, and deposition  
77 costs.

78 (3) This section does not apply during a state of emergency  
79 issued by the Governor.

80 Section 3. The Legislature hereby determines and declares  
81 that this act fulfills an important state interest.

82 Section 4. This act shall take effect October 1, 2024.

01/29/24  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1530  
Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Jackson Oberlink Phone 772-532-1371

Address \_\_\_\_\_  
Street Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:  
Florida Rising

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

SB 1530

Bill Number or Topic

1/29/24

Meeting Date

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Senate Community Affairs

Committee

Amendment Barcode (if applicable)

Name Leanne Saenio

Phone 321 258 1849

Address 2195 Gunpowder Dr. NE

Street

Email LSaenio@cutliver.com

Palm Bay

City

FL

State

32905

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

January 29, 2024

Meeting Date

Senate Community Affairs

Committee

Name Dawn Gilman

Address 660 Park Street  
Street

Jacksonville

City

FL

State

32204

Zip

Phone 904-206-2751

Email dgilman@changinghomelessness.org

The Florida Senate  
**APPEARANCE RECORD**

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SB 1530 - Unauthorized Public Camping and Public Sleeping

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/29/24

Meeting Date

SB 1530

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Martha Are

Phone 919-559-6193

Address 142 E Jackson St

Email martha.are@hsnctf1.org

Orlando

City

FL

State

32801

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



January 29, 2024

The Florida Senate  
**APPEARANCE RECORD**

SB 1530 - Unauthorized Public Camping

Meeting Date

Bill Number or Topic

Community Affairs

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Jonathan Webber

Phone 954-593-4449

Address 400 Washington Ave

Email jonathan.webber@splcactionfund.org

Street

Montgomery

AL

36104

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**SPLC Action Fund**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/29

Meeting Date

1530

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Carrie Feit

Phone

Address

Email

Street

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Community Justice Project

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1530

1-29-24

Meeting Date

Bill Number or Topic

COMM AFFAIRS

Committee

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Amendment Barcode (if applicable)

Name ROBERT STUART, CITY OF ORLANDO Phone 407 246 2003

Address 400 S ORANGE AVE Email robert.stuart@orlando.gov

Street

ORLANDO FL 32801

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [X] I am appearing without compensation or sponsorship. [ ] I am a registered lobbyist, representing: [ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1628

INTRODUCER: Senator Collins

SUBJECT: Local Government Actions

DATE: January 26, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<u><b>Pre-meeting</b></u>
2.	_____	_____	<u>FP</u>	_____

---

**I. Summary:**

SB 1628 creates a process through which various agencies may be requested by affected private parties to review local government actions which affect certain economic sectors of the state such as agriculture, energy, and transportation.

The bill also revises the categories of local ordinances exempt from statutes related to the production of business impact estimates and subject to certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable.

Additionally, the bill requires the Office of Program Policy Analysis and Government Accountability to produce a report on the implementation and effectiveness of the impact review process established in the bill.

The bill takes effect October 1, 2024.

**II. Present Situation:**

**Local Ordinances**

The governing body of a county or municipality has broad legislative powers to enact ordinances, local laws, to perform governmental functions and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents. Ordinances address a wide variety of local issues, from government structure and zoning laws to speed limits and noise ordinances. Procedures for passing local ordinances are prescribed by the Legislature and differ only slightly between counties and municipalities.

### ***Procedures for Enacting Ordinances***

A board of county commissioners must notice its intent to consider an ordinance or amendment to an ordinance 10 days before the meeting at which the ordinance will be considered. The notice, placed in a newspaper of general circulation, should include the date, time, and place of the meeting, the proposed ordinance title, and instructions for how to view the language. The board may then vote to pass the ordinance at the meeting, and upon passage, must send a certified copy of the ordinance to the Florida Department of State (DOS).<sup>1</sup> County ordinances take effect upon filing with the DOS, unless otherwise prescribed in the ordinance.<sup>2</sup>

Similarly, municipalities must notice intent to consider an ordinance 10 days before adoption. However, municipalities must also read the ordinance by title or in full on at least 2 separate days before adoption by vote.<sup>3</sup> An ordinance passed by a municipality becomes effective 10 days after passage, unless otherwise prescribed in the ordinance.<sup>4</sup>

### ***Emergency Ordinances***

A board of county commissioners may adopt an emergency ordinance that bypasses the notice requirements if the governing body declares that an emergency exists requiring the immediate enactment of the ordinance and the ordinance is approved by a four-fifths vote of the membership.<sup>5</sup> A municipality may bypass reading and notice requirements to pass an emergency ordinance by a two-thirds vote of the governing body.<sup>6</sup> An emergency ordinance may not be used to adopt zoning and land use changes.<sup>7</sup>

### ***Business Impact Estimate***

A local government must also produce a business impact estimate prior to passing an ordinance.<sup>8</sup> The business impact estimate must include the following:<sup>9</sup>

- A summary of the proposed ordinance, including a estimate of the public purpose to be served by the proposed ordinance;
- An estimate of the direct economic impact of the proposed ordinance on private for-profit businesses in the county or city, including:
  - An estimate of direct compliance costs for businesses;
  - Identification of new charges and fees; and
  - An estimate of the county's or city's regulatory costs.
- A good faith estimate of the number of businesses likely impacted; and
- Any additional information deemed useful.

A business impact estimate is not required for the following types of ordinances: <sup>10</sup>

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<sup>1</sup> Section 125.66(2), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 166.041(3)(a), F.S.

<sup>4</sup> Section 166.041(4), F.S.

<sup>5</sup> Section 125.66(4), F.S.

<sup>6</sup> Section 166.041(3)(b), F.S.

<sup>7</sup> *Supra* notes 5 and 6.

<sup>8</sup> Sections 125.66(3) and 166.041(4), F.S.

<sup>9</sup> Sections 125.66(3)(a) and 166.041(4)(a), F.S.

<sup>10</sup> Sections 125.66(3)(c) and 166.041(4)(c), F.S.

- Emergency ordinances;
- Growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S.;
- Building code ordinances under s. 553.73, F.S.;
- Fire prevention code ordinances under s. 633.202, F.S.;
- Ordinances establishing or terminating Community Development Districts under ss. 190.005 and 190.046, F.S.;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances relating to financial obligations or issuance and refinancing of debt;
- Ordinances related to the adoption of county or municipal budgets or budget amendments; or
- Ordinances required to implement a contract or agreement, to include federal, state, local, or private grants and other financial assistance.

### **Local Government Authority**

The Florida Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes regulatory powers to issue authorizations and permits, and legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>11</sup> Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>12</sup> Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>13</sup>

This authority, under the umbrella of governmental or municipal purpose, extends broadly to any ordinance necessary to promote the health, welfare, safety, and quality of life of a local government's residents.<sup>14</sup> Local governments' authority has been liberally construed when reviewed by courts. For example, courts have found the following to meet the standards for what constitutes a "municipal purpose," and therefore were valid local government actions:

- Acquisition and maintenance of a golf course;<sup>15</sup>
- Sale of souvenir photographs;<sup>16</sup> and
- Prohibiting the rental of motorized scooters.<sup>17</sup>

In general, this broad home rule authority is limited by two guideposts: preemption, where a higher level of government such as the State has already legislated on a topic, and standards of reasonableness. Local governments may not pass ordinances which are apparently unreasonable

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<sup>11</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>12</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>13</sup> FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

<sup>14</sup> Art. VIII, § 2(b), Fla. Const.; Section 125.86, F.S.; for municipalities see *Quiles v. City of Boynton Beach*, 802 So. 2d 397, 398 (Fla. 4th DCA 2001); § 166.021, Fla. Stat.

<sup>15</sup> *West v. Town of Lake Placid*, 97 Fla. 127, 120 So. 361 (1929).

<sup>16</sup> *City of Winter Park v. Montesi*, 448 So. 2d 1242 (Fla. 5th DCA 1984).

<sup>17</sup> *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046 (Fla. 1<sup>st</sup> DCA 2019).

or unreasonable, despite their wide-ranging powers.<sup>18</sup> Anyone affected by an ordinance may challenge its validity in court by filing a civil action against the local government.<sup>19</sup>

### ***Legal Challenges to Certain Recently Enacted Ordinances***

Current law<sup>20</sup> requires the local government to suspend enforcement of an ordinance subject to such an action, including appeals, if:

- The action was filed with the court no later than 90 days after the adoption date of the ordinance;
- The plaintiff or petitioner requests suspension in the initial complaint or petition; and
- The county or city has been served with a copy of the complaint or petition.

Unless the plaintiff obtains a stay of the lower court's order pending appeal, the local government may enforce the ordinance 45 days after the entry of the lower court's order. In filing such an action, a party certifies that they do not file such a suit for frivolous or improper purposes, and may be subject to sanctions and fees if they do so. Additionally, the court must give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

The statutes regarding an ordinance's stay and priority docketing for challenges do not apply to the same set of decisions exempted from business impact estimates.

### **III. Effect of Proposed Changes:**

**Sections 1 and 3** amend ss. 125.66 and 166.041, F.S., to amend the exemptions to the requirement that counties and cities, respectively, produce or have produced a "business impact estimate" prior to passing an ordinance. Whereas current law exempts the entirety of growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S., the bill limits this exemption to development orders, permits, and agreements.

**Sections 4 and 7** amend ss. 125.675 and 166.0411, F.S., to amend the exemptions to statutes regarding an ordinance's stay and priority docketing pending legal challenge. Whereas current law exempts the entirety of growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S., the bill limits this exemption to development orders, permits, and agreements

**Section 5** creates s. 186.921, F.S., to create a "food, energy, and supply chain security" process.

The bill identifies various economic sectors:

- Farming, farm operations, and farm production, represented by the Department of Agriculture and Consumer Services;

<sup>18</sup> *Dennis v. City of Key West*, 381 So. 2d 312 (Fla. 3d DCA 1980).

<sup>19</sup> *Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077 (Fla. 1 DCA 1981). There are statutory requirements for being allowed to bring suit in certain cases, such as those based on a technical deficiency in the ordinance, but the cases at issue in this analysis merely require being affected.

<sup>20</sup> Sections 125.675 and 166.0411, F.S.

- Energy and fuel production and transmission, energy distribution, and fuel storage, represented by the Public Service Commission; and
- Supply chain points of connection, including ports, railways, and rail stations, represented by the Department of Transportation.

The bill requires that a local government seek to minimize or eliminate potential negative impacts that a local government action (defined as the adoption or amendment of any ordinance or charter provision, or the denial of a local authorization or permit) will have on an identified sector while still advancing the stated public purpose of the action.

The bill allows an “affected entity,” defined as a private, for-profit business in an identified sector which may be negatively impacted by a local government action, to submit a written request to the appropriate department for an “impact review” of a local government action within 15 days of its enactment or adoption. The request for review must include:

- A copy of the action and relevant supplemental information;
- A complete statement of all relevant facts relating to the action; and
- A business impact estimate associated with the action.

The affected entity must furnish the local government with a copy of the request within one business day. Thereafter, the local government may not enforce the action until the department issues a review and the local government holds certain meetings required by the bill.

The relevant department shall issue an impact review within 45 days after receiving the request, considering impacts on the cost of goods and services, charges related to goods and services, revenues, compliance costs, the execution of business plans, monitoring and reporting requirements, and the advancement of the action’s stated public purpose.

If the department determines that the local government failed to minimize or eliminate negative impacts to the identified sector, the department may recommend changes to the action, and at its next regular or special meeting the local government must include a discussion of its response to the review and whether revisions to the proposed action are appropriate.

After an impact review has been issued, another impact review cannot be issued related to the same government action unless relating to a substantial modification thereto. An impact review is not an order, and does not have precedential value.

The impact review process does not apply to local government actions:

- Enacted to prepare for or respond to an emergency;
- Related to Procurement;
- Relating to the building code under s. 553.73, F.S.;
- Relating to the Fire Prevention Code under s. 633.202, F.S.;
- Establishing or terminating Community Development Districts under ss. 190.005 and 190.046, F.S.;
- Required to comply with federal or state law or regulation;
- Relating to financial obligations or issuance and refinancing of debt;
- Related to the adoption of county or municipal budgets or budget amendments; or



- Required to implement a contract or agreement, to include federal, state, local, or private grants and other financial assistance.

The bill further grants the Department of Agriculture and Consumer Services, the Public Service Commission, and the Department of Transportation rulemaking authority.

**Section 6** provides the Department of Agriculture and Consumer Services, the Department of Transportation, and the Public Service Commission with emergency rulemaking authority, expiring July 1, 2026.

**Section 7** requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to produce a report on the implementation and effectiveness of impact reviews issued pursuant to s. 186.921, F.S., on reducing or eliminating local government actions that threaten Florida's food production and supply, energy generation and delivery, and essential supply chains. The report and recommendations must include the number of impact reviews issued and a brief summary of the issues and actions taken, as well as recommended changes to the food, energy, and supply chain security process.

**Section 8** provides that the act applies to local government ordinances, charter provisions, and amendments thereto, enacted on or after the effective date of the act.

**Section 9** provides that the act shall take effect October 1, 2024.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

The county and municipality mandate provisions of Article VII, section 18 of the Florida Constitution may apply because the bill expands the types of ordinances for which local governments must produce a business impact estimate, which will require additional staff work for local governments. Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. None of the constitutional exceptions appear to apply.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an "insignificant fiscal impact" are exempt from the mandate requirements, which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>21,22</sup> However, any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

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<sup>21</sup> FLA. CONST. art. VII, s. 18(d).

<sup>22</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 24, 2024).

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Producing business impact estimates for land use-related ordinances currently exempt under current law will have a negative impact county and municipality staffing time and resources.

Because the bill allows the stay and priority docketing provisions to apply to land use-related ordinances, courts may see indeterminate economic impact as suspensions may reduce hearings sought for temporary injunctive relief, while priority docketing may increase workload for clerks of court.

Compliance with the food, energy, and supply chain security process will require staffing time and resources from both state and local government for each affected action by a local government. The negative economic impact is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 125.66, 125.675, 166.041, and 166.0411 of the Florida Statutes.

This bill creates section 186.921, Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By Senator Collins

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1                                   A bill to be entitled  
2       An act relating to local government actions; amending  
3       ss. 125.66, 125.675, 166.041, and 166.0411 F.S.;  
4       revising applicability provisions for the enactment or  
5       adoption of and legal challenges to county and  
6       municipal ordinances, respectively; creating s.  
7       186.921, F.S.; defining terms; providing legislative  
8       findings; requiring local governments to seek to  
9       minimize or eliminate the potential negative impacts  
10      of a local government action; authorizing affected  
11      entities to submit written requests to the appropriate  
12      departments for impact reviews under certain  
13      circumstances; providing requirements for such  
14      requests and the responses to such requests; requiring  
15      affected entities to provide certain information to  
16      the appropriate departments; requiring a department to  
17      issue an impact review within a specified timeframe  
18      and to consider specified potential impacts; requiring  
19      local governments to hold specified meetings upon  
20      receipt of an impact review; prohibiting additional  
21      impact reviews for the same local government action  
22      under certain circumstances; providing construction;  
23      authorizing rulemaking; requiring the appropriate  
24      departments to consult with each other regarding  
25      certain guidelines and procedures; providing  
26      applicability; authorizing the Department of  
27      Agriculture and Consumer Services, the Department of  
28      Transportation, and the Public Service Commission to  
29      adopt emergency rules; providing for future expiration

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30 of such rulemaking authority; requiring the Office of  
31 Program Policy Analysis and Government Accountability  
32 to submit a report to the Governor and the Legislature  
33 by a specified date; providing requirements for the  
34 report; providing applicability; providing an  
35 effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Paragraph (c) of subsection (3) of section  
40 125.66, Florida Statutes, is amended to read:

41 125.66 Ordinances; enactment procedure; emergency  
42 ordinances; rezoning or change of land use ordinances or  
43 resolutions.-

44 (3)

45 (c) This subsection does not apply to:

46 1. Ordinances required for compliance with federal or state  
47 law or regulation;

48 2. Ordinances relating to the issuance or refinancing of  
49 debt;

50 3. Ordinances relating to the adoption of budgets or budget  
51 amendments, including revenue sources necessary to fund the  
52 budget;

53 4. Ordinances required to implement a contract or an  
54 agreement, including, but not limited to, any federal, state,  
55 local, or private grant, or other financial assistance accepted  
56 by a county government;

57 5. Emergency ordinances;

58 6. Ordinances relating to procurement; or

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- 59           7. Ordinances enacted to implement the following:
- 60           a. ~~Part II of chapter 163, relating to growth policy,~~
- 61 ~~county and municipal planning, and land development regulation,~~
- 62 ~~including zoning,~~ Development orders and development permits, as
- 63 those terms are defined in s. 163.3164, and, ~~and,~~ development
- 64 agreements, as authorized by the Florida Local Government
- 65 Development Agreement Act under ss. 163.3220-163.3243 and
- 66 ~~development permits;~~
- 67           b. Sections 190.005 and 190.046;
- 68           c. Section 553.73, relating to the Florida Building Code;
- 69 or
- 70           d. Section 633.202, relating to the Florida Fire Prevention
- 71 Code.
- 72           Section 2. Subsection (5) of section 125.675, Florida
- 73 Statutes, is amended to read:
- 74           125.675 Legal challenges to certain recently enacted
- 75 ordinances.—
- 76           (5) This section does not apply to:
- 77           (a) Ordinances required for compliance with federal or
- 78 state law or regulation;
- 79           (b) Ordinances relating to the issuance or refinancing of
- 80 debt;
- 81           (c) Ordinances relating to the adoption of budgets or
- 82 budget amendments, including revenue sources necessary to fund
- 83 the budget;
- 84           (d) Ordinances required to implement a contract or an
- 85 agreement, including, but not limited to, any federal, state,
- 86 local, or private grant, or other financial assistance accepted
- 87 by a county government;

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88 (e) Emergency ordinances;

89 (f) Ordinances relating to procurement; or

90 (g) Ordinances enacted to implement the following:

91 1. ~~Part II of chapter 163, relating to growth policy,~~  
92 ~~county and municipal planning, and land development regulation,~~  
93 ~~including zoning,~~ Development orders and development permits, as  
94 those terms are defined in s. 163.3164, and, development  
95 agreements, as authorized by the Florida Local Government  
96 Development Agreement Act under ss. 163.3220-163.3243 and  
97 ~~development permits;~~

98 2. Sections 190.005 and 190.046;

99 3. Section 553.73, relating to the Florida Building Code;

100 or

101 4. Section 633.202, relating to the Florida Fire Prevention  
102 Code.

103 Section 3. Paragraph (c) of subsection (4) of section  
104 166.041, Florida Statutes, is amended to read:

105 166.041 Procedures for adoption of ordinances and  
106 resolutions.—

107 (4)

108 (c) This subsection does not apply to:

109 1. Ordinances required for compliance with federal or state  
110 law or regulation;

111 2. Ordinances relating to the issuance or refinancing of  
112 debt;

113 3. Ordinances relating to the adoption of budgets or budget  
114 amendments, including revenue sources necessary to fund the  
115 budget;

116 4. Ordinances required to implement a contract or an

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117 agreement, including, but not limited to, any federal, state,  
118 local, or private grant, or other financial assistance accepted  
119 by a municipal government;

120 5. Emergency ordinances;

121 6. Ordinances relating to procurement; or

122 7. Ordinances enacted to implement the following:

123 a. ~~Part II of chapter 163, relating to growth policy,~~  
124 ~~county and municipal planning, and land development regulation,~~  
125 ~~including zoning,~~ Development orders and development permits, as  
126 those terms are defined in s. 163.3164, and, ~~development~~  
127 agreements, as authorized by the Florida Local Government  
128 Development Agreement Act under ss. 163.3220-163.3243 and  
129 ~~development permits;~~

130 b. Sections 190.005 and 190.046;

131 c. Section 553.73, relating to the Florida Building Code;

132 or

133 d. Section 633.202, relating to the Florida Fire Prevention  
134 Code.

135 Section 4. Subsection (5) of section 166.0411, Florida  
136 Statutes, is amended to read:

137 166.0411 Legal challenges to certain recently enacted  
138 ordinances.—

139 (5) This section does not apply to:

140 (a) Ordinances required for compliance with federal or  
141 state law or regulation;

142 (b) Ordinances relating to the issuance or refinancing of  
143 debt;

144 (c) Ordinances relating to the adoption of budgets or  
145 budget amendments, including revenue sources necessary to fund



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146 the budget;

147 (d) Ordinances required to implement a contract or an  
148 agreement, including, but not limited to, any federal, state,  
149 local, or private grant, or other financial assistance accepted  
150 by a municipal government;

151 (e) Emergency ordinances;

152 (f) Ordinances relating to procurement; or

153 (g) Ordinances enacted to implement the following:

154 1. ~~Part II of chapter 163, relating to growth policy,~~  
155 ~~county and municipal planning, and land development regulation,~~  
156 ~~including zoning,~~ Development orders and development permits, as  
157 those terms are defined in s. 163.3164, and, development  
158 agreements, as authorized by the Florida Local Government  
159 Development Agreement Act under ss. 163.3220-163.3243 and  
160 ~~development permits;~~

161 2. Sections 190.005 and 190.046;

162 3. Section 553.73, relating to the Florida Building Code;

163 or

164 4. Section 633.202, relating to the Florida Fire Prevention  
165 Code.

166 Section 5. Section 186.921, Florida Statutes, is created to  
167 read:

168 186.921 Food, energy, and supply chain security.-

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

170 (a) "Affected entity" means a private, for-profit business  
171 in an identified sector which may be negatively impacted by a  
172 local government action.

173 (b) "Department" means:

174 1. For an identified sector under subparagraph (c)1., the

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175 Department of Agriculture and Consumer Services;

176 2. For an identified sector under subparagraph (c)2., the  
177 Public Service Commission; and

178 3. For an identified sector under subparagraph (c)3., the  
179 Department of Transportation.

180 (c) "Identified sector" means:

181 1. Farming, farm operations, and farm production, including  
182 food crops, livestock, poultry, viticulture, aquaculture,  
183 commercial fishing, apiculture, timber, and fertilizer  
184 production and distribution;

185 2. Energy and fuel production and transmission, energy  
186 distribution, and fuel storage; and

187 3. Supply chain points of connection, including ports,  
188 railways, and rail stations.

189 (d) "Local government action" means the adoption or  
190 amendment of any ordinance or charter provision by a county or  
191 municipality or the denial of a local authorization or permit  
192 issued by the county or municipality.

193 (2) The Legislature finds that there is an important state  
194 interest in protecting this state's food production and supply,  
195 energy generation and delivery, essential supply chains, and the  
196 private enterprises that support this state's food, energy, and  
197 supply chains. Such interest includes creating jobs, achieving  
198 economic prosperity, reducing the potential for disruptions due  
199 to supply chain vulnerabilities, ensuring the flow of commerce  
200 and the intrastate production of essential goods and services,  
201 and providing economic security associated therewith.

202 (3) A local government shall seek to minimize or eliminate  
203 the potential negative impacts that a local government action

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204 will have on an identified sector while still advancing the  
205 stated public purpose, such as serving public health, safety,  
206 and welfare.

207 (4) (a) An affected entity may submit a written request to  
208 the appropriate department for an impact review if the local  
209 government action is likely to negatively impact an identified  
210 sector. Such request must be made within 15 days after the  
211 enactment or adoption of a local government action pursuant to  
212 s. 125.66 or s. 166.041. An affected entity may submit only one  
213 request for an impact review to the appropriate department for a  
214 local government action. The department shall issue an impact  
215 review to an affected entity pursuant to this subsection as to  
216 the position of the department on the impact of a local  
217 government action and whether the local government has  
218 adequately minimized or eliminated impacts to the identified  
219 sector.

220 (b) The affected entity must submit a copy of the request  
221 for an impact review to the relevant local government within 1  
222 business day after submitting the request to the department.  
223 This shall serve as notice to the local government. Upon notice  
224 of the timely submission of a request for an impact review to  
225 the appropriate department by an affected entity pursuant to  
226 this section, a local government may not enforce the local  
227 government action until the department issues an impact review  
228 and the local government holds the meeting required under  
229 subsection (8), if applicable.

230 (5) The affected entity shall submit to the department all  
231 of the following information in its request for an impact review  
232 if applicable and if the information is available to the

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233 requester:

234 (a) A copy of the local government action and relevant  
235 supplemental information published with the local government  
236 action.

237 (b) A complete statement of all relevant facts relating to  
238 the action, including:

239 1. Any negative impacts to the identified sector that the  
240 affected entity reasonably anticipates will occur;

241 2. Information relating to the local government's stated  
242 interest in implementing the local government action; and

243 3. Any supporting documentation.

244 (c) A business impact estimate required pursuant to s.  
245 125.66(3) or s. 166.041(4) associated with the proposed local  
246 government action.

247 (6) A department shall issue an impact review within 45  
248 days after receiving such a request and shall provide a copy to  
249 the affected entity and the local government. The department may  
250 request additional information if necessary during that  
251 timeframe.

252 (7) A department shall consider all of the following  
253 potential impacts when balancing the interest of a local  
254 government and an affected entity, as applicable:

255 (a) Impacts on customer or downstream charges for goods and  
256 services.

257 (b) Impacts on the market value of goods and services  
258 produced, provided, or sold, or other change in value resulting  
259 from implementation or compliance.

260 (c) Impacts on revenues.

261 (d) Costs resulting from the purchase of substitute or

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262 alternative goods or services or capital, equipment, materials,  
263 supplies, or other implementation or compliance costs.

264 (e) The reasonable value of time to be spent by owners,  
265 officers, operators, and managers of the affected entity to  
266 understand and comply with the local government action,  
267 including time to be spent completing any required education,  
268 training, or testing.

269 (f) Impacts on opportunity or timing in executing a  
270 business plan.

271 (g) Monitoring and reporting requirements.

272 (h) Advancement of a stated public purpose, such as serving  
273 public health, safety, and welfare.

274 (8) If the department determines in the impact review that  
275 the local government failed to minimize or eliminate the  
276 negative impacts to the identified sector:

277 (a) The department may recommend in the impact review  
278 changes to the local government action which may minimize or  
279 eliminate the negative impacts; and

280 (b) At its next regular or special meeting after issuance  
281 of the review, the local government must include a discussion of  
282 its response to the review and whether revisions to the proposed  
283 local government action are appropriate.

284 (9) After the issuance of an impact review to an affected  
285 entity, another review may not be issued to an affected entity  
286 that requests a review relating to the same local government  
287 action unless it relates to a substantial modification of the  
288 local government action. An impact review does not have  
289 precedential value. Any modification of an impact review is  
290 prospective only. An impact review is not an order issued

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291 pursuant to s. 120.565 or s. 120.569 or a rule or policy of  
292 general applicability under s. 120.54. The provisions of s.  
293 120.53 are not applicable to impact reviews.

294 (10) Each department identified in paragraph (1)(b) may  
295 establish rules prescribing guidelines and procedures for  
296 submission, issuance or denial of issuance, and disclosure of  
297 impact reviews. Each department shall consult with the other  
298 departments to ensure the rules prescribing guidelines and  
299 procedures for submission of a request for impact reviews,  
300 issuance or denial of issuance, and disclosure of impact reviews  
301 are consistent.

302 (11) This section does not apply to local government  
303 actions:

304 (a) Required for compliance with a federal or state law or  
305 regulation;

306 (b) Related to the issuance or refinancing of debt;

307 (c) Related to the adoption of budgets or budget  
308 amendments, including the revenue source necessary to fund the  
309 budget;

310 (d) Required to implement a contract or an agreement,  
311 including, but not limited to, any federal, state, local, or  
312 private grant, or other financial assistance accepted by the  
313 local government;

314 (e) Enacted to prepare for or respond to an emergency;

315 (f) Related to procurement; or

316 (g) Enacted to implement the following:

317 1. Sections 190.005 and 190.046;

318 2. Section 553.73, relating to the Florida Building Code;

319 or

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320 3. Section 633.202, relating to the Florida Fire Prevention  
321 Code.

322 Section 6. (1) The Department of Agriculture and Consumer  
323 Services is authorized, and all conditions are deemed met, to  
324 adopt emergency rules under s. 120.54(4), Florida Statutes, for  
325 the purpose of implementing provisions related to s. 186.921,  
326 Florida Statutes, as created by this act. Notwithstanding any  
327 other law, emergency rules adopted under this section are  
328 effective for 6 months after adoption and may be renewed during  
329 the pendency of procedures to adopt permanent rules addressing  
330 the subject of the emergency rules.

331 (2) The Department of Transportation is authorized, and all  
332 conditions are deemed met, to adopt emergency rules under s.  
333 120.54(4), Florida Statutes, for the purpose of implementing  
334 provisions related to s. 186.921, Florida Statutes, created by  
335 this act. Notwithstanding any other law, emergency rules adopted  
336 under this section are effective for 6 months after adoption and  
337 may be renewed during the pendency of procedures to adopt  
338 permanent rules addressing the subject of the emergency rules.

339 (3) The Public Service Commission is authorized, and all  
340 conditions are deemed met, to adopt emergency rules under s.  
341 120.54(4), Florida Statutes, for the purpose of implementing  
342 provisions related to s. 186.921, Florida Statutes, created by  
343 this act. Notwithstanding any other law, emergency rules adopted  
344 under this section are effective for 6 months after adoption and  
345 may be renewed during the pendency of procedures to adopt  
346 permanent rules addressing the subject of the emergency rules.

347 (4) This section expires July 1, 2026.

348 Section 7. (1) The Office of Program Policy Analysis and

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349 Government Accountability (OPPAGA) shall submit to the Governor,  
350 the President of the Senate, and the Speaker of the House of  
351 Representatives by December 1, 2025, a report on the  
352 implementation and effectiveness of impact reviews issued  
353 pursuant to s. 186.921, Florida Statutes, on reducing or  
354 eliminating local government actions that threaten this state's  
355 food production and supply, energy generation and delivery, and  
356 essential supply chains.

357 (2) In consultation with the Department of Agriculture and  
358 Consumer Services, the Department of Transportation, and the  
359 Public Service Commission, OPPAGA shall develop the report and  
360 recommendations with input from local governments, affected  
361 entities, and other stakeholders.

362 (3) At a minimum, the report and recommendations must  
363 include:

364 (a) The number of impact reviews issued and a brief summary  
365 of the issues and actions, if any, taken by the local government  
366 to address the impacts to the affected entity and identified  
367 sector; and

368 (b) Recommended changes to the food, energy, and supply  
369 chain security process.

370 Section 8. This act applies to local government ordinances  
371 or charter provisions, or amendments to ordinances or charter  
372 provisions, enacted on or after the effective date of this act.

373 Section 9. This act shall take effect October 1, 2024.





The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 15, 2024

---

I respectfully request that **Senate Bill # 1628**, relating to Local Government Actions, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins  
Florida Senate, District 14

1/29/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name Suzanne Scheiber

Phone 386-212-7721

Address 548 Sandy Oaks Blvd

Email scheiber2004@yahoo.com

Street

Ormond Beach

FL

32174

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

1/29/24

Meeting Date

Sen. Community Affairs

Committee

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1628

Bill Number or Topic

Name Paul Owens

Amendment Barcode (if applicable)

Phone 850-222-6277

Address 308 N. Monroe St.

Street

Email powens@1000fof.org

Tallahassee, FL

City

State

32301

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

1000 Friends of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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The Florida Senate

APPEARANCE RECORD

1/29/24

Meeting Date

1628

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Libby ~~Ann~~ Lavette

Phone 8507592576

Address 2525 Hartfield Rd

Email libbyannlavette@gmail.com

Tallahassee FL 32303

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

1/29/24 1:30

Meeting Date

CA 401 sob

Committee

Name DAVID CULLEN

Name

1628

Bill Number or Topic

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Phone 941-323-2404

Phone

Address 816 W THARPE ST

Address

Street

Email CULLENASEA@GMAIL.COM

Email

TALLAHASSEE

City

FL

State

32303

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

SIERRA CLUB FLORIDA

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

January 29, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tiffany Garling - Florida Chamber of Commerce

Phone 850-661-3339

Address 136 S. Bronough Street

Email tgarling@flchamber.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Chamber of Commerce**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/29/24

1628

Meeting Date

Community Affairs

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

John Booker

Phone

386 740 5160

Address

123 W. Indian

Email

jbooker@volusia.org

Street

Deland FL

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

11/29/24

Meeting Date

# The Florida Senate APPEARANCE RECORD

1628

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (850) 982-4300

Address 100 S Monroe

Email jscala@fl-comthrs.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Association of Counties

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

Jan 29, 2024 Meeting Date

SB 1628 Bill Number or Topic

Community Affairs Committee

Volunteer w League of Women Voters

Amendment Barcode (if applicable)

Name LINDA EDSON Phone 850-510-2729

Address 1841 Myrick Rd Street Email edscol@nettally.com

Tallahassee, FL 32303 City State Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 1684

INTRODUCER: Community Affairs and Senator Collins

SUBJECT: Property Tax Discount for Disabled Veterans

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.	_____	_____	FT	_____
3.	_____	_____	AP	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1684 provides that a veteran is eligible for an additional \$10,000 ad valorem tax exemption if he or she has been awarded the Purple Heart medal or a medal of superior precedence.

The bill will take effect on January 1, 2025.

**II. Present Situation:**

**General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and

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

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise (FLA. CONST. Art VII, s. 4.). Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965).

exemptions to determine the property's "taxable value."<sup>3</sup> Property tax bills are mailed in November of each year based on the previous January 1 valuation.<sup>4</sup> If a taxpayer furnishes the outstanding taxes within 30 days after the tax collector mailed the tax notice, the taxpayer will receive a 4 percent discount on the total amount of taxes due.<sup>5</sup> The full amount of taxes is due by March 31 of the following year.<sup>6</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes,<sup>7</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>8</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes<sup>9</sup> and limits the Legislature's authority to provide for property valuations at less than just value unless expressly authorized.<sup>10</sup>

### **Homestead Exemptions**

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an exemption from taxes.<sup>11</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>12</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>13</sup>

Every person having a legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>14</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.<sup>15</sup>

### ***Annual Application***

Each person or organization meeting the criteria for an ad valorem tax exemption may claim the exemption if the claimant held legal title to the real or personal property subject to the exemption

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<sup>3</sup> See ss. 192.001(2) and (16), F.S.

<sup>4</sup> See Florida Department of Revenue, Florida Property Tax Calendar, *available at*: <https://floridarevenue.com/property/Documents/taxcalendar.pdf> (last visited Mar 9, 2023).

<sup>5</sup> See Florida Department of Revenue, Tax Collector Calendar - Property Tax Oversight, *available at*: <https://floridarevenue.com/property/Documents/tccalendar.pdf> (last visited Mar. 9, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> FLA. CONST. art. VII, s. 1(a).

<sup>8</sup> See FLA. CONST. art. VII, s. 4.

<sup>9</sup> FLA. CONST. art. VII, s. 1(a).

<sup>10</sup> See FLA. CONST. art. VII, s. 4.

<sup>11</sup> FLA. CONST. art. VII, s. 6.

<sup>12</sup> FLA. CONST. art. VII, s. 4.

<sup>13</sup> *Id.* at (c).

<sup>14</sup> FLA. CONST. art VII, s. 6(a).

<sup>15</sup> *Id.*

on January 1.<sup>16</sup> The application for exemption must be filed with the property appraiser on or before March 1, and failure to make an application constitutes a waiver of the exemption for that year. The application must list and describe the property for which the exemption is being claimed and certify the ownership and use of the property. The claimant must reapply for the exemption on an annual basis unless the property appraiser (subject to approval by a vote of the governing body of the county) has waived the annual application requirement for a property after an initial application is made and the exemption granted.<sup>17</sup>

### **Exemption for Veterans with Total and Permanent Service-Connected Disability**

The homestead property of a veteran who was honorably discharged with a service-connected total and permanent disability is exempt from taxation.<sup>18</sup> To qualify for this exemption, the veteran must be a permanent resident of the state on January 1 of the tax year for which exemption is being claimed or must have been a permanent resident of this state on January 1 of the year the veteran died. If the veteran predeceases their spouse, the spouse may continue to receive the exemption as long as the property remains the homestead property of the spouse, and the spouse is unmarried.<sup>19</sup>

A totally and permanently disabled veteran, or his or her surviving spouse, who acquires legal or beneficial title to property between January 1 and November 1, may receive a prorated refund of the ad valorem taxes paid for the newly acquired property as of the date of the property transfer provided they were eligible for and granted the exemption on another homestead property in the previous tax year.<sup>20</sup>

### **Tax Discount on Homestead Property for a Combat-disabled Veteran**

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.<sup>21</sup> The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.<sup>22</sup> The discount is applied as a reduction to the taxable value of the homestead property.<sup>23</sup>

To qualify for the tax discount, the veteran must:

- Be aged 65 or older;
- Be partially or totally disabled with combat-related disabilities; and
- Have received an honorable discharge.<sup>24</sup>

In addition to filing an application with the county tax appraiser for the discount, an eligible veteran must also provide to the tax appraiser by March 1:

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<sup>16</sup> Section 196.011(1)(a), F.S.

<sup>17</sup> Section 196.011(5) and (9)(a), F.S.

<sup>18</sup> Section 196.081(1), F.S.

<sup>19</sup> Section 196.081(3), F.S.

<sup>20</sup> Section 196.081(1)(b), F.S.

<sup>21</sup> Section 6(e), Art. VII, FLA. CONST. and s. 196.082, F.S.

<sup>22</sup> Section 196.082(2), F.S.

<sup>23</sup> Section 196.082(5), F.S.

<sup>24</sup> Section 196.082(1), F.S.

- An official letter from the United States Department of Veterans Affairs which includes the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;
- A copy of the veteran's honorable discharge; and
- Proof of age as of January 1 of the year to which the discount will apply.<sup>25</sup>

### **Purple Heart Medal**

The Purple Heart was first established first by George Washington during the Revolutionary War, and brought into its modern form in 1932.<sup>26</sup> It is a medal awarded to any member of the Armed Forces of the United States who, during service, has been wounded, was killed, or died of wounds received in any action or as the result of an act of any hostile foreign force. Rather than being recommended for the honor, as with all other military decorations, a servicemember is entitled to the Purple Heart after meeting the set criteria.

### **III. Effect of Proposed Changes:**

The bill amends s. 196.24, F.S., to provide that a veteran or veteran's unremarried surviving spouse is eligible for an additional \$10,000 ad valorem tax exemption if the veteran has been awarded the Purple Heart medal or a medal of superior precedence.

The bill will take effect on July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact, which for Fiscal Year 2023-2024 is forecast at approximately \$2.3 million.

The Revenue Estimating Conference has not reviewed the bill at this time.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>25</sup> Section 196.082(3), F.S.

<sup>26</sup> This paragraph, *see* United State Army Human Resources Command, *Purple Heart*, Nov. 08, 2023, available at <https://www.hrc.army.mil/content/Purple%20Heart> (last visited Jan. 24, 2023).

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

The bill was previously linked to SJR 1686, which proposes an amendment to the Florida Constitution to amend the ad valorem tax exemption for partially or totally permanently disabled veterans over 65 to apply to any veteran who has received the Purple Heart medal. Both bills may need to be amended into proper posture for the constitutional amendment to enact this bill.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

If the proposed amendment (SJR 1686) is approved by 60 percent of voters in November 2024, this bill will alter the population eligible for the tax exemption, with an uncertain aggregate impact.

**C. Government Sector Impact:**

If the proposed amendment (SJR 1686) is approved by 60 percent of voters in November 2024, this bill will have a negative impact on local government revenues to the extent that it expands the number of veterans eligible for the tax exemption.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 196.082 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

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

**Committee Substitute by Community Affairs on January 29, 2024:**

The committee substitute revises the bill to, rather than affect the current tax discount for partially or totally permanently disabled veterans, provide an additional \$10,000 property

tax exemption for veterans who have been awarded the Purple Heart medal or a combat decoration superior in precedence.

B. Amendments:

None.

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

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322536

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (2) of section 196.24,  
Florida Statutes, is redesignated as subsection (3), and a new  
subsection (2) is added to that section, read:

196.24 Exemption for disabled ex-servicemember or surviving  
spouse; evidence of disability.—

(2) Any ex-servicemember as defined in s. 196.012(19) who





322536

11 is a bona fide resident of this state, who was discharged under  
12 honorable conditions, and who has been awarded the Purple Heart  
13 medal, or a combat decoration that is superior in precedence to  
14 the Purple Heart, is entitled to the exemption from taxation  
15 provided for in s. 3(b), Art. VII of the State Constitution, as  
16 provided in this subsection. Property to the value of \$10,000 in  
17 addition to the exemption offered in subsection (1) of such a  
18 person is exempt from taxation. The production by him or her of  
19 proof of being a Purple Heart medal recipient from the United  
20 States Government, the Department of Defense, or any Armed  
21 Service of the United States or its predecessor before the  
22 property appraiser of the county wherein the ex-servicemember's  
23 property lies is prima facie evidence of the fact that he or she  
24 is entitled to the exemption. The unremarried surviving spouse  
25 of a recipient of such a Purple Heart, or a combat decoration  
26 that is superior in precedence to the Purple Heart, is also  
27 entitled to the exemption.

28 Section 2. This act shall take effect July 1, 2024.

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete everything before the enacting clause  
33 and insert:

34 A bill to be entitled  
35 An act relating to property tax exemption of ex-  
36 servicemembers; amending s. 196.24, F.S.; providing a  
37 property tax exemption for certain ex-servicemembers  
38 who have been awarded a Purple Heart or certain combat  
39 decorations; providing that the unremarried surviving



322536

40  
41

spouse is entitled to such exemption; providing an  
effective date.

By Senator Collins

14-00667A-24

20241684\_\_

1                   A bill to be entitled  
2           An act relating to property tax discount for disabled  
3           veterans; amending s. 196.082, F.S.; revising  
4           eligibility for a tax discount for certain disabled  
5           veterans; providing a contingent effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9           Section 1. Subsection (1) and paragraph (c) of subsection  
10          (4) of section 196.082, Florida Statutes, are amended to read:

11           196.082 Discounts for disabled veterans; surviving spouse  
12          carryover.—

13           (1) Each veteran who ~~is age 65 or older and~~ is partially or  
14          totally permanently disabled shall receive a discount from the  
15          amount of the ad valorem tax otherwise owed on homestead  
16          property that the veteran owns and resides in if:

17           (a) The disability was combat-related; ~~and~~

18           (b) The veteran was honorably discharged upon separation  
19          from military service; and

20           (c) The veteran has been awarded the Purple Heart medal.

21           (4) To qualify for the discount granted under this section,  
22          an applicant must submit to the county property appraiser by  
23          March 1:

24           (c) Proof that the veteran has been awarded the Purple  
25          Heart medal ~~of age as of January 1 of the year to which the~~  
26          ~~discount will apply.~~

27  
28          Any applicant who is qualified to receive a discount under this  
29          section and who fails to file an application by March 1 may file

14-00667A-24

20241684\_\_

30 an application for the discount and may file, pursuant to s.  
31 194.011(3), a petition with the value adjustment board  
32 requesting that the discount be granted. Such application and  
33 petition shall be subject to the same procedures as for  
34 exemptions set forth in s. 196.011(8).

35 Section 2. This act shall take effect on the effective date  
36 of the amendment to the State Constitution proposed by SJR \_\_\_\_,  
37 or a similar joint resolution having substantially the same  
38 specific intent and purpose, if such amendment is approved at  
39 the next general election or at an earlier special election  
40 specifically authorized by law for that purpose.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 15, 2024

---

I respectfully request that **Senate Bill # 1684**, relating to Property Tax Discount for Disabled Veterans, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins  
Florida Senate, District 14

1-29-24

# The Florida Senate APPEARANCE RECORD

1684

Meeting Date

Comm. Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Albert Baricho

Phone 850 251 3740

Address 201 W Park Dr

Email \_\_\_\_\_

Street

Tallah. FL 32321

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FLA Assoc of Property Appraisers

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SJR 1686

INTRODUCER: Senator Collins

SUBJECT: Ad Valorem Tax

DATE: January 26, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	<b>Favorable</b>
2.	_____	_____	FT	_____
3.	_____	_____	AP	_____

---

**I. Summary:**

SJR 1686 proposes an amendment to the Florida Constitution to permit the Legislature to amend the ad valorem tax exemption for partially or totally permanently disabled veterans over 65 to apply to any veteran who has received the Purple Heart medal.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025.

**II. Present Situation:**

**General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> Property tax bills are mailed in

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

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise (FLA. CONST. Art VII, s. 4.). Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965).

<sup>3</sup> *See* ss. 192.001(2) and (16), F.S.

November of each year based on the previous January 1 valuation.<sup>4</sup> If a taxpayer furnishes the outstanding taxes within 30 days after the tax collector mailed the tax notice, the taxpayer will receive a 4 percent discount on the total amount of taxes due.<sup>5</sup> The full amount of taxes is due by March 31 of the following year.<sup>6</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes,<sup>7</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>8</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes<sup>9</sup> and limits the Legislature's authority to provide for property valuations at less than just value unless expressly authorized.<sup>10</sup>

### **Homestead Exemptions**

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an exemption from taxes.<sup>11</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>12</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>13</sup>

Every person having a legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>14</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.<sup>15</sup>

### ***Annual Application***

Each person or organization meeting the criteria for an ad valorem tax exemption may claim the exemption if the claimant held legal title to the real or personal property subject to the exemption on January 1.<sup>16</sup> The application for exemption must be filed with the property appraiser on or

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<sup>4</sup> See Florida Department of Revenue, Florida Property Tax Calendar, *available at*: <https://floridarevenue.com/property/Documents/taxcalendar.pdf> (last visited Mar. 9, 2023).

<sup>5</sup> See Florida Department of Revenue, Tax Collector Calendar - Property Tax Oversight, *available at*: <https://floridarevenue.com/property/Documents/tccalendar.pdf> (last visited Mar. 9, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> FLA. CONST. art. VII, s. 1(a).

<sup>8</sup> See FLA. CONST. art. VII, s. 4.

<sup>9</sup> FLA. CONST. art. VII, s. 1(a).

<sup>10</sup> See FLA. CONST. art. VII, s. 4.

<sup>11</sup> FLA. CONST. art. VII, s. 6.

<sup>12</sup> FLA. CONST. art. VII, s. 4.

<sup>13</sup> *Id.* at (c).

<sup>14</sup> FLA. CONST. art VII, s. 6(a).

<sup>15</sup> *Id.*

<sup>16</sup> Section 196.011(1)(a), F.S.



before March 1, and failure to make an application constitutes a waiver of the exemption for that year. The application must list and describe the property for which the exemption is being claimed and certify the ownership and use of the property. The claimant must reapply for the exemption on an annual basis unless the property appraiser (subject to approval by a vote of the governing body of the county) has waived the annual application requirement for a property after an initial application is made and the exemption granted.<sup>17</sup>

### **Exemption for Veterans with Total and Permanent Service-Connected Disability**

The homestead property of a veteran who was honorably discharged with a service-connected total and permanent disability is exempt from taxation.<sup>18</sup> To qualify for this exemption, the veteran must be a permanent resident of the state on January 1 of the tax year for which exemption is being claimed or must have been a permanent resident of this state on January 1 of the year the veteran died. If the veteran predeceases their spouse, the spouse may continue to receive the exemption as long as the property remains the homestead property of the spouse, and the spouse is unmarried.<sup>19</sup>

A totally and permanently disabled veteran, or his or her surviving spouse, who acquires legal or beneficial title to property between January 1 and November 1, may receive a prorated refund of the ad valorem taxes paid for the newly acquired property as of the date of the property transfer provided they were eligible for and granted the exemption on another homestead property in the previous tax year.<sup>20</sup>

### **Tax Discount on Homestead Property for a Combat-disabled Veteran**

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.<sup>21</sup> The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.<sup>22</sup> The discount is applied as a reduction to the taxable value of the homestead property.<sup>23</sup>

To qualify for the tax discount, the veteran must:

- Be aged 65 or older;
- Be partially or totally disabled with combat-related disabilities; and
- Have received an honorable discharge.<sup>24</sup>

In addition to filing an application with the county tax appraiser for the discount, an eligible veteran must also provide to the tax appraiser by March 1:

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<sup>17</sup> Section 196.011(5) and (9)(a), F.S.

<sup>18</sup> Section 196.081(1), F.S.

<sup>19</sup> Section 196.081(3), F.S.

<sup>20</sup> Section 196.081(1)(b), F.S.

<sup>21</sup> Section 6(e), Art. VII, FLA. CONST. and s. 196.082, F.S.

<sup>22</sup> Section 196.082(2), F.S.

<sup>23</sup> Section 196.082(5), F.S.

<sup>24</sup> Section 196.082(1), F.S.

- An official letter from the United States Department of Veterans Affairs which includes the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;
- A copy of the veteran's honorable discharge; and
- Proof of age as of January 1 of the year to which the discount will apply.<sup>25</sup>

### **Purple Heart Medal**

The Purple Heart was first established first by George Washington during the Revolutionary War, and brought into its modern form in 1932.<sup>26</sup> It is a medal awarded to any member of the Armed Forces of the United States who, during service, has been wounded, was killed, or died of wounds received in any action or as the result of an act of any hostile foreign force. Rather than being recommended for the honor, as with all other military decorations, a servicemember is entitled to the Purple Heart after meeting the set criteria.

### **III. Effect of Proposed Changes:**

The joint resolution proposes an amendment to the Florida Constitution to amend the ad valorem tax exemption for partially or totally permanently disabled veterans over 65 to apply to any veteran who has received the Purple Heart medal.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

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

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

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<sup>25</sup> Section 196.082(3), F.S.

<sup>26</sup> This paragraph, *see* United State Army Human Resources Command, *Purple Heart*, Nov. 08, 2023, available at <https://www.hrc.army.mil/content/Purple%20Heart> (last visited Jan. 24, 2023).

**E. Other Constitutional Issues:**

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election<sup>27</sup> held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.<sup>28</sup>

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

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

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

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

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,<sup>29</sup> typically paid from non-recurring General Revenue funds.<sup>30</sup> Accurate cost estimates for the next

<sup>27</sup> Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

<sup>28</sup> Section 101.161(1), F.S.

<sup>29</sup> Pursuant to *Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)*.

<sup>30</sup> *See* Ch. 2020-111, Specific Appropriation 3132, Laws of Fla.

constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement. Beginning in 2020, the summary of such financial information statements was also included as part of the booklets.<sup>31</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This resolution substantially amends section 6, Article VII of the Florida Constitution.

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

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>31</sup> Section 100.371(13)(e)4., F.S. *See also* Ch. 2019-64, s. 3, Laws of Fla.

By Senator Collins

14-00924A-24

20241686\_\_

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to revise the requirements for a discount from the amount of ad valorem tax owed on homestead property for certain disabled veterans and to provide an effective date.

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

That the following amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the

14-00924A-24

20241686\_\_

30 entireties, jointly, in common, as a condominium, or indirectly  
31 by stock ownership or membership representing the owner's or  
32 member's proprietary interest in a corporation owning a fee or a  
33 leasehold initially in excess of ninety-eight years. The  
34 exemption shall not apply with respect to any assessment roll  
35 until such roll is first determined to be in compliance with the  
36 provisions of section 4 by a state agency designated by general  
37 law. This exemption is repealed on the effective date of any  
38 amendment to this Article which provides for the assessment of  
39 homestead property at less than just value.

40 (b) Not more than one exemption shall be allowed any  
41 individual or family unit or with respect to any residential  
42 unit. No exemption shall exceed the value of the real estate  
43 assessable to the owner or, in case of ownership through stock  
44 or membership in a corporation, the value of the proportion  
45 which the interest in the corporation bears to the assessed  
46 value of the property.

47 (c) By general law and subject to conditions specified  
48 therein, the Legislature may provide to renters, who are  
49 permanent residents, ad valorem tax relief on all ad valorem tax  
50 levies. Such ad valorem tax relief shall be in the form and  
51 amount established by general law.

52 (d) The legislature may, by general law, allow counties or  
53 municipalities, for the purpose of their respective tax levies  
54 and subject to the provisions of general law, to grant either or  
55 both of the following additional homestead tax exemptions:

56 (1) An exemption not exceeding fifty thousand dollars to a  
57 person who has the legal or equitable title to real estate and  
58 maintains thereon the permanent residence of the owner, who has

14-00924A-24

20241686\_\_

59 attained age sixty-five, and whose household income, as defined  
60 by general law, does not exceed twenty thousand dollars; or

61 (2) An exemption equal to the assessed value of the  
62 property to a person who has the legal or equitable title to  
63 real estate with a just value less than two hundred and fifty  
64 thousand dollars, as determined in the first tax year that the  
65 owner applies and is eligible for the exemption, and who has  
66 maintained thereon the permanent residence of the owner for not  
67 less than twenty-five years, who has attained age sixty-five,  
68 and whose household income does not exceed the income limitation  
69 prescribed in paragraph (1).

70

71 The general law must allow counties and municipalities to grant  
72 these additional exemptions, within the limits prescribed in  
73 this subsection, by ordinance adopted in the manner prescribed  
74 by general law, and must provide for the periodic adjustment of  
75 the income limitation prescribed in this subsection for changes  
76 in the cost of living.

77 (e) (1) Each veteran ~~who is age 65 or older~~ who is partially  
78 or totally permanently disabled shall receive a discount from  
79 the amount of the ad valorem tax otherwise owed on homestead  
80 property the veteran owns and resides in if the disability was  
81 combat related, ~~and~~ and the veteran was honorably discharged upon  
82 separation from military service, and the veteran received the  
83 Purple Heart medal. The discount shall be in a percentage equal  
84 to the percentage of the veteran's permanent, service-connected  
85 disability as determined by the United States Department of  
86 Veterans Affairs. To qualify for the discount granted by this  
87 paragraph, an applicant must submit to the county property

14-00924A-24

20241686\_\_

88 appraiser, by March 1, an official letter from the United States  
89 Department of Veterans Affairs stating the percentage of the  
90 veteran's service-connected disability and such evidence that  
91 reasonably identifies the disability as combat related and a  
92 copy of the veteran's honorable discharge. If the property  
93 appraiser denies the request for a discount, the appraiser must  
94 notify the applicant in writing of the reasons for the denial,  
95 and the veteran may reapply. The Legislature may, by general  
96 law, waive the annual application requirement in subsequent  
97 years.

98 (2) If a veteran who receives the discount described in  
99 paragraph (1) predeceases his or her spouse, and if, upon the  
100 death of the veteran, the surviving spouse holds the legal or  
101 beneficial title to the homestead property and permanently  
102 resides thereon, the discount carries over to the surviving  
103 spouse until he or she remarries or sells or otherwise disposes  
104 of the homestead property. If the surviving spouse sells or  
105 otherwise disposes of the property, a discount not to exceed the  
106 dollar amount granted from the most recent ad valorem tax roll  
107 may be transferred to the surviving spouse's new homestead  
108 property, if used as his or her permanent residence and he or  
109 she has not remarried.

110 (3) This subsection is self-executing and does not require  
111 implementing legislation.

112 (f) By general law and subject to conditions and  
113 limitations specified therein, the Legislature may provide ad  
114 valorem tax relief equal to the total amount or a portion of the  
115 ad valorem tax otherwise owed on homestead property to:

116 (1) The surviving spouse of a veteran who died from



14-00924A-24

20241686\_\_

117 service-connected causes while on active duty as a member of the  
118 United States Armed Forces.

119 (2) The surviving spouse of a first responder who died in  
120 the line of duty.

121 (3) A first responder who is totally and permanently  
122 disabled as a result of an injury or injuries sustained in the  
123 line of duty. Causal connection between a disability and service  
124 in the line of duty shall not be presumed but must be determined  
125 as provided by general law. For purposes of this paragraph, the  
126 term "disability" does not include a chronic condition or  
127 chronic disease, unless the injury sustained in the line of duty  
128 was the sole cause of the chronic condition or chronic disease.

129  
130 As used in this subsection and as further defined by general  
131 law, the term "first responder" means a law enforcement officer,  
132 a correctional officer, a firefighter, an emergency medical  
133 technician, or a paramedic, and the term "in the line of duty"  
134 means arising out of and in the actual performance of duty  
135 required by employment as a first responder.

136 ARTICLE XII

137 SCHEDULE

138 Ad valorem tax discount for certain permanently disabled  
139 veterans.—The amendment to Section 6 of Article VII, relating to  
140 the ad valorem tax discount for certain disabled veterans, and  
141 this section shall take effect January 1, 2025.

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

144 CONSTITUTIONAL AMENDMENT

145 ARTICLE VII, SECTION 6

14-00924A-24

20241686\_\_

146  
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156

## ARTICLE XII

AD VALOREM TAX DISCOUNT FOR CERTAIN VETERANS WITH COMBAT-RELATED DISABILITIES.—Revises eligibility for receiving the ad valorem tax discount on homestead property for disabled veterans to include all veterans with a combat-related disability, regardless of age, who were honorably discharged upon separation from military service and received the Purple Heart medal. Current law provides the discount for veterans with a combat-related disability who are age 65 or older and honorably discharged upon separation from military service. If approved, this amendment takes effect January 1, 2025.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 15, 2024

---

I respectfully request that **Senate Joint Resolution # 1686**, relating to Ad Valorem Tax, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins  
Florida Senate, District 14

The Florida Senate

APPEARANCE RECORD

1.29.21

Meeting Date

Comm Affairs

Committee

1686

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Albert Balido

Phone 850-251-3440

Address 201 W Dade Ave

Email

Street

Tul

FL

32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Fla Assoc. of Property Appraisers

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 1704

INTRODUCER: Community Affairs Committee and Senator Yarborough

SUBJECT: Sheriffs in Consolidated Governments

DATE: January 31, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.			CJ	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1704 provides that two statutes, the first of which permits a sheriff to transfer funds between categories and code levels after their budget has been approved, and the second of which retains the independence of the Sheriff in certain personnel and procurement decisions, apply to the Sheriff of a consolidated government.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Sheriff's Budgets**

Each sheriff governed by section 30<sup>1</sup> of the Florida Statutes must annually prepare and submit to the board of county commissioners a proposed budget for carrying out the powers, duties, and operations of the office for the next fiscal year.<sup>2</sup> The sheriff must submit a sworn certificate along with the proposed budget stating that the proposed expenditures are reasonable and necessary for the proper and efficient operation of the office for the next fiscal year.<sup>3</sup>

---

<sup>1</sup> Elaborated upon further below. See "Chapter 30 Sheriffs".

<sup>2</sup> Section 30.49, F.S.

<sup>3</sup> Section 30.49(2)(b), F.S.

The proposed budget must show the estimated amounts of all proposed expenditures for operating and equipping the sheriff's office and jail, and must be categorized at the appropriate fund and functional level.<sup>4</sup> The fund or functional level is the broadest category within the sheriff's budget (includes general law enforcement, corrections and detention alternative facilities, court services). Within the appropriate fund and functional category, expenditures are further itemized into objects, which include:<sup>5</sup>

- Personnel services;
- Operating expenses;
- Capital outlay;
- Debt service;
- Grants and aides; and
- Other uses.

If requested by the county, the sheriff must further break down expenses into the subobject level.<sup>6</sup> The county may not amend, modify, increase, or reduce any expenditure at this subobject level.<sup>7</sup>

At a public hearing, the board of county commissioners or the budget commission, as appropriate, may amend, modify, increase, or reduce any or all items of expenditures in the proposed budget and must ultimately approve the budget.<sup>8</sup> A sheriff may nonetheless transfer funds between specified categories and code levels after his or her budget is approved.<sup>9</sup>

### *Independence of Sheriffs*

Current law preserves the independence of Sheriffs governed by Chapter 30 of the Florida Statutes concerning the purchase of supplies and equipment, selection of personnel, and the hiring, firing, and setting of salaries of such personnel.<sup>10</sup>

### *Chapter 30 Sheriffs*

Chapter 30, which provides various powers and duties of sheriffs, defines "sheriff" as "the constitutional officer elected in accordance with this chapter."<sup>11</sup> The Duval County Sheriff, who sits as the constitutional officer of sheriff for the consolidated government of Jacksonville and Duval County, is elected pursuant to the Jacksonville Charter.<sup>12</sup> Furthermore, chapter 30 specifically provides that it does not apply to Duval County deputy sheriffs.<sup>13</sup>

---

<sup>4</sup> Section 30.49(2), F.S.

<sup>5</sup> Section 30.49(2)(c), F.S.

<sup>6</sup> Section 30.49(3), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 30.49(4), F.S.

<sup>9</sup> Section 30.49(12), F.S.

<sup>10</sup> Section 30.53, F.S.

<sup>11</sup> Section 30.072(5), F.S.

<sup>12</sup> Chapter 67-1320, Laws of Fla.

<sup>13</sup> Section 30.071, F.S.

The Jacksonville Charter requires the Sheriff to perform the “duties imposed upon the sheriff of Duval County by the Constitution or by the general or special laws of Florida.”<sup>14</sup> The Sheriff of Duval County is therefore subject to Chapter 30’s “duties,” but not its “non-duty” provisions, such as vehicle, uniform, and badge restrictions.

Any future consolidation of a county and municipality may affect the Sheriff’s duties under Chapter 30 of the Florida Statutes. Future consolidation would take place using s. 3, Art. VIII of the State Constitution.

### III. Effect of Proposed Changes:

**Section 1** amends s. 30.49(12), F.S., to provide that the subsection, which permits a sheriff to transfer funds between categories and code levels after their budget has been approved, applies to a sheriff in a consolidated government which is consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution.

**Section 2** amends s. 30.53, F.S., which retains the independence of the Sheriff in certain personnel and procurement decisions, to provide that the section applies to a sheriff in a consolidated government which is consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution.

**Section 3** provides that the act takes effect July 1, 2024.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

---

<sup>14</sup> Section 8.01, Jacksonville Charter, *supra* n. 12.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 30.49 and 30.53 of the Florida Statutes.

**IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on January 29, 2024:**

The committee substitute provides that the two affected sections will apply to a sheriff in any consolidated government, rather than limited to Duval County.

## B. Amendments:

None.





245696

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Yarborough) recommended the following:

**Senate Amendment**

Delete lines 23 - 32  
and insert:  
subsection shall apply to a sheriff in a consolidated  
government, consolidated pursuant to s. 3 or s. 6(e), Art. VIII  
of the State Constitution.

Section 2. Section 30.53, Florida Statutes, is amended to read:

30.53 Independence of constitutional officials.—The



245696

11 independence of the sheriffs, including a sheriff in a  
12 consolidated government, consolidated pursuant to s. 3 or s.  
13 6(e), Art. VIII

By Senator Yarborough

4-01075E-24

20241704\_\_

1                   A bill to be entitled  
2       An act relating to sheriffs in consolidated  
3       governments; amending s. 30.49, F.S.; authorizing  
4       sheriffs in a consolidated government, as well as all  
5       other sheriffs, to transfer funds after his or her  
6       budget is approved by the board of county  
7       commissioners, city council, or budget commission;  
8       amending s. 30.53, F.S.; preserving the independence  
9       of a sheriff in a consolidated government concerning  
10      certain powers; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Subsection (12) of section 30.49, Florida  
15       Statutes, is amended to read:

16       30.49 Budgets.—

17       (12) Notwithstanding any other law, and in order to  
18       effectuate, fulfill, and preserve the independence of sheriffs  
19       as specified in s. 30.53, a sheriff may transfer funds between  
20       the fund and functional categories and object and subobject code  
21       levels after his or her budget has been approved by the board of  
22       county commissioners, city council, or budget commission. This  
23       subsection shall apply to a sheriff in a consolidated government  
24       as described in s. 9, Art. VIII of the State Constitution of  
25       1885, as preserved by s. 6(e), Art. VIII of the State  
26       Constitution.

27       Section 2. Section 30.53, Florida Statutes, is amended to  
28       read:

29       30.53 Independence of constitutional officials.—The

4-01075E-24

20241704\_\_

30 independence of ~~the~~ sheriffs, including a sheriff in a  
31 consolidated government as described in s. 9, Art. VIII of the  
32 State Constitution of 1885, as preserved by s. 6(e), Art. VIII  
33 of the State Constitution, shall be preserved concerning the  
34 purchase of supplies and equipment, selection of personnel, and  
35 the hiring, firing, and setting of salaries of such personnel;  
36 provided that nothing herein contained shall restrict the  
37 establishment or operation of any civil service system or civil  
38 service board created pursuant to s. 14, Art. III, of the State  
39 Constitution, provided, further that nothing contained in ss.  
40 30.48-30.53 shall be construed to alter, modify or change in any  
41 manner any civil service system or board, state or local, now in  
42 existence or hereafter established.

43 Section 3. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 11, 2024

---

I respectfully request that **Senate Bill #1704**, relating to Sheriffs in Consolidated Governments, be placed on the:

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

A handwritten signature in cursive script that reads "Clay Yarborough".

\_\_\_\_\_  
Senator Clay Yarborough  
Florida Senate, District 4

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/29/24 Meeting Date

1704 Bill Number or Topic

Community Affairs Committee

Amendment Barcode (if applicable)

Name Clark Smith

Phone 850-251-3218

Address 123 South Adams St. Street

Email csmith@thesouthern.org.com

Tallahassee FL 32312 City State Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [ ] I am appearing without compensation or sponsorship. [x] I am a registered lobbyist, representing: [ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenote.gov)

This form is part of the public record for this meeting.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Agriculture  
Appropriations  
Appropriations Committee on Criminal  
and Civil Justice  
Appropriations Committee on Health  
and Human Services  
Children, Families, and Elder Affairs  
Community Affairs  
Military & Veterans Affairs, Space and  
Domestic  
Security  
Rules

**SENATOR DENNIS BAXLEY**  
*President Pro Tempore*  
13th District

January 26, 2024

The Honorable Chair Alexis Calatayud  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Calatayud,

I am requesting to be excused from the Community Affairs Committee Meeting, scheduled on January 29<sup>th</sup> due to a medical appointment back home.

I appreciate your favorable consideration.

Onward & Upward,

A handwritten signature in blue ink that reads "Dennis Baxley".

Senator Dennis Baxley  
Senate District 13

DKB/dd

cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

### REPLY TO:

- 206 South Hwy 27/441, Lady Lake, Florida 32159 (352) 750-3133
- 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 401  
**Caption:** Senate Committee on Community Affairs

**Case No.:**

**Type:**  
**Judge:**

**Started:** 1/29/2024 1:30:53 PM

**Ends:** 1/29/2024 2:54:04 PM

**Length:** 01:23:12

1:30:56 PM Meeting called to order  
1:30:59 PM Roll Call  
1:31:07 PM Quorum is present  
1:31:48 PM Tab 6 SB 1052 by Senator Hutson  
1:31:57 PM Senator Hutson recognized to explain the bill  
1:32:54 PM Take up Amendment Barcode #303710  
1:32:59 PM Senator Hutson recognized to explain the amendment  
1:33:23 PM Senator Hutson recognized to close on the amendment  
1:33:30 PM Voice vote on amendment  
1:33:34 PM Amendment is adopted  
1:33:46 PM Senator Pizzo recognized for debate  
1:33:55 PM Senator Hutson recognized to close on the bill as amended  
1:34:03 PM Roll Call  
1:34:21 PM Reported favorably  
1:34:26 PM Tab 7 SB 1058 by Senator Hutson  
1:34:34 PM Senator Hutson recognized to explain the bill  
1:35:29 PM There is a strike all amendment, it was just explained  
1:35:40 PM Amendment Barcode #946770  
1:35:51 PM Senator Bradley recognized for question  
1:35:57 PM Senator Hutson recognized for answer  
1:36:25 PM Senator Hutson recognized to close on the amendment  
1:36:32 PM Voice vote  
1:36:34 PM Amendment is adopted  
1:36:44 PM Public Testimony from Jean Rogers, Fire Chief in Lee County  
1:37:42 PM Public Testimony from Gary Hunter, waiving in support  
1:37:57 PM Senator Hutson recognized to close on bill as amended  
1:38:07 PM Roll Call  
1:38:20 PM Reported favorably  
1:38:27 PM Tab 2 CS/SB 612 by Senator Hooper  
1:38:38 PM Senator Hooper recognized to explain the bill  
1:39:44 PM Public Testimony from Theresa King  
1:41:23 PM Senator Pizzo recognized for question  
1:41:29 PM Theresa King recognized for answer  
1:42:31 PM Public Testimony recognized  
1:42:42 PM Senator Pizzo recognized for debate  
1:42:52 PM Senator Hooper recognized to close on the bill  
1:43:52 PM Roll Call  
1:43:57 PM Reported favorably  
1:44:19 PM Tab 11 SB 1684 by Senator Collins  
1:44:31 PM Senator Collins recognized to explain the bill  
1:45:06 PM Take up Amendment Barcode #322536  
1:45:12 PM Senator Collins recognized to explain the amendment  
1:45:48 PM Senator Collins recognized to close on the amendment  
1:45:56 PM Voice vote  
1:45:59 PM Amendment is adopted  
1:46:07 PM Public testimony recognized  
1:46:26 PM Senator Collins recognized to close on the bill as amended  
1:46:38 PM Roll Call  
1:46:46 PM Reported favorably  
1:46:50 PM Tab 12 SJR 1686 by Senator Collins  
1:46:57 PM Senator Collins recognized to explain the bill  
1:47:12 PM Public Testimony recognized



1:47:19 PM Senator Collins recognized to close on the bill  
1:47:26 PM Roll Call  
1:47:40 PM Reported favorably  
1:47:44 PM Tab 1 SB 172 by Senator Polsky  
1:47:53 PM Senator Polsky recognized to explain the bill  
1:48:46 PM Take up Amendment Barcode #749472  
1:48:53 PM Senator Polsky recognized to explain the amendment  
1:49:22 PM Public Testimony recognized  
1:49:39 PM Senator Polsky recognized to close on amendment  
1:49:48 PM Amendment is adopted  
1:50:01 PM Public Testimony recognized  
1:50:05 PM Senator Polsky recognized to close on the bill as amended  
1:50:27 PM Roll Call  
1:50:30 PM Reported Favorably  
1:50:34 PM Tab 13 SB 1704 by Senator Yarborough  
1:50:48 PM Senator Yarborough is recognized to explain the bill  
1:51:15 PM Take up Amendment Barcode #245696  
1:51:19 PM Senator Yarborough recognized to explain the amendment  
1:51:49 PM Senator Yarborough recognized to close on the amendment  
1:51:58 PM Amendment Adopted  
1:52:03 PM Senator Pizzo recognized for question  
1:52:57 PM Senator Yarborough recognized to answer  
1:54:02 PM Senator Pizzo recognized for question  
1:54:11 PM Public Testimony recognized  
1:54:30 PM Senator Yarborough recognized to close on bill as amended  
1:54:39 PM Roll Call  
1:54:57 PM Reported favorably  
1:55:00 PM Tab 4 SB 1734 by Senator Ingoglia  
1:55:10 PM Senator Ingoglia recognized to explain the bill  
1:55:22 PM Take up amendment barcode #329408  
1:55:27 PM Senator Ingoglia recognized to explain the strike all amendment  
1:56:16 PM Senator Ingoglia recognized to close on the amendment  
1:56:24 PM Amendment is adopted  
1:56:38 PM Senator Ingoglia recognized to close on the bill as amended  
1:56:52 PM Roll Call  
1:56:56 PM Reported favorably  
1:57:08 PM Tab 9 SB 1530 by Senator Martin  
1:57:17 PM Senator Martin recognized to explain the bill  
1:58:19 PM Senator Berman recognized for question  
1:58:28 PM Back and forth recognized  
2:01:49 PM Vice Chair Osgood recognized for question  
2:03:26 PM Senator Martin recognized for answer  
2:04:19 PM Senator Osgood recognized for question  
2:04:53 PM Senator Martin recognized for answer  
2:05:01 PM Senator Osgood recognized for question  
2:05:32 PM Senator Martin recognized for answer  
2:06:11 PM Senator Osgood recognized for question  
2:06:56 PM Senator Martin recognized for answer  
2:08:03 PM Senator Osgood recognized for question  
2:09:03 PM Senator Martin recognized for answer  
2:10:21 PM Senator Osgood recognized for question  
2:11:15 PM Senator Pizzo recognized for question  
2:11:26 PM Senator Martin recognized for answer  
2:11:57 PM Senator Pizzo recognized for question  
2:12:11 PM Senator Martin recognized for answer  
2:13:02 PM Senator Pizzo recognized for question  
2:13:53 PM Senator Martin recognized for answer  
2:14:53 PM Back and Forth recognized  
2:18:08 PM Senator Bradley recognized for question  
2:20:35 PM Senator Martin recognized for answer  
2:22:21 PM Public Testimony from Carrie Feit  
2:24:22 PM Public Testimony from Jonathan Webber, SPLC Action Fund

2:27:21 PM Public Testimony from Martha Are  
2:30:08 PM Public Testimony from Dawn Gilman  
2:32:07 PM Public Testimony from Leanne Sacino  
2:33:46 PM Public Testimony from Jackson Oberlink  
2:36:09 PM Public Testimony recognized  
2:36:20 PM Vice Chair Osgood recognized for debate  
2:41:53 PM Senator Pizzo recognized for debate  
2:43:43 PM Senator Martin recognized to close on the bill  
2:45:25 PM Roll Call  
2:45:44 PM Reported Favorably  
2:45:50 PM Tab 3 SB 648 by Senator DiCeglie  
2:46:06 PM Senator DiCeglie recognized to explain the bill  
2:46:42 PM Senator Berman recognized for question  
2:46:57 PM Senator DiCeglie recognized for answer  
2:47:38 PM Senator DiCeglie recognized to close bill  
2:47:47 PM Roll Call  
2:47:55 PM Reported Favorably  
2:48:04 PM Tab 8 SB 1136 by Senator Trumbull  
2:48:25 PM Senator Trumbull recognized to explain the bill  
2:49:07 PM Take up Amendment Barcode #755128  
2:49:15 PM Senator Trumbull recognized to explain the amendment  
2:49:52 PM Senator Trumbull recognized to close on the amendment  
2:50:00 PM Amendment is adopted  
2:50:10 PM Public Testimony from Mike Ward  
2:51:45 PM Public Testimony recognized  
2:52:02 PM Senator Trumbull recognized to close on the bill as amended  
2:52:32 PM Roll Call  
2:52:44 PM Reported Favorably  
2:53:00 PM Senator Martin votes in the affirmative on tabs 2,6,7  
2:53:13 PM Senator Berman votes in the affirmative for tabs 6,7,2,11,12,1,13  
2:53:42 PM Senator Berman moves to adjourn  
2:53:51 PM Meeting adjourned