Town of Longboat Key Planning & Zoning Board
Town Hall, 501 Bay Isles Road
Longboat Key, FL 34228
www.longboatkey.org
David Lapovsky, Chair; Jay Plager, Vice Chair; Paul Hylbert, Secretary;
Eddie Abrams; Ron Ginsberg; Nicholas Gladding; Margaret Nuzzo

AGENDA
REGULAR MEETING

SEPTEMBER 16, 2025 – 9:15 AM

1. Call to Order

2. Pledge of Public Conduct

- We may disagree, but we will be respectful of one another.
- We will direct all comments to issues.
- We will avoid personal attacks.
- Audience members wishing to speak must be recognized by the Chair.
- Speaking without being recognized will be considered as "Out of Order."

3. Public to be Heard

Opportunity for Public to Address Planning & Zoning Board

At each meeting, the Planning & Zoning Board sets aside time for the public to address issues not on the agenda.

4. Consent Agenda

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Meeting Agenda by any member of the Planning & Zoning Board without having to make a motion, receive a second, or submit to a vote. Otherwise, all items on the consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

A. Approval of Minutes: June 17, 2025 Regular Meeting

B. Setting Future Meeting Date: October 21, 2025 Regular Meeting

5. Public Hearings

There are no Public Hearings.

6. Workshop Discussion Items

a. Continued discussion on encouraging renewable energy use options (FLU Policy 1.1.4)

Presentation of SolSmart's Technical Review of the Town's Code of Ordinances.

b. Continued discussion on revisions to the Town's Tree Ordinance (w/ presentation by University of Florida Institute of Food and Agriculture Sciences (UF/IFAS))

Presentation and discussion on best practices and local community examples by Alyssa Vinson, Urban Forestry Agent with the UF/IFAS Extension in Hillsborough County.

c. 2025 Legislative Updates Review

Updates on new legislation which have implications for Town regulations and require Town Code amendments for compliance.

7. New Business

There is no New Business

8. Staff Update

9. Planning & Zoning Board Member Comments

10. Adjournment

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Fla. Stat.).

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing a reasonable accommodation to participate in this proceeding should contact the Town Clerk's office at 941-316-1999 seventy-two (72) hours in advance of this proceeding. If you are hearing impaired or require an alternative means of communication, utilize Florida Relay Service by dialing 7-1-1 (TTY) or one of the following toll-free numbers:

1-800-955-8770 (Voice), 1-800-955-1339 (ASCII), 1-877-955-8260 (VCO-Direct), or 1-800-955-5334 (STS).

June 17, 2025 Regular Meeting Minutes

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING
JUNE 17, 2025

Members Present: Chair David Lapovsky; Secretary Paul Hylbert; Members Eddie Abrams; Ron Ginsberg; Nick Gladding

Members Absent: Vice Chair Jay Plager; Member Margaret Nuzzo

Also Present: Maggie Mooney, Town Attorney; Allen Parsons, Planning, Zoning & Building Director; Elma Glisson, Planning Manager; Tate Taylor, Town Planner; Donna Chipman, Senior Office Manager

1. Administration of Oath

Stephanie Garcia, Deputy Town Clerk, provided the Administration of Oath to reappointed members, David Lapovsky and Ronald Ginsberg.

2. Call to Order

The regular meeting of the Planning and Zoning (P&Z) Board was called to order at 9:15 AM by Secretary Paul Hylbert

3. Pledge of Public Conduct

Secretary Paul Hylbert noted the Town's Civility Policy and the Pledge of Public Conduct.

4. Roll Call

Senior Office Manager, Donna Chipman, called roll for attendance with a quorum present.

5. Election of Officers

Chair

Mr. Abrams nominated David Lapovsky as Chair. Mr. Gladding seconded the nomination. There were no other nominations and the nominations were closed.

Motion carried unanimously.

Vice Chair

Mr. Hylbert nominated Jay Plager as Vice Chair. Mr. Ginsberg seconded the nomination. There were no other nominations and the nominations were closed.

Motion carried unanimously.

Secretary

Mr. Gladding nominated Paul Hylbert as Secretary. Mr. Abrams seconded the nomination. There were no other nominations and the nominations were closed.

Motion carried unanimously.

6. **Public to be Heard**
   At each meeting, the P&Z Board sets aside time for the public to address issues not on the agenda. No one wished to address the Board.

7. **Consent Agenda**

   MR. GINSBERG MOVED TO APPROVE THE CONSENT AGENDA APPROVING THE MINUTES OF THE JANUARY 17, 2025 REGULAR MEETING, AND SETTING THE FUTURE MEETING DATE AS SEPTEMBER 16, 2025 REGULAR MEETING. MR. GLADDING SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

8. **Public Hearings**

   There were no Public Hearings.

9. **Workshop Discussion Items**

   a. **Discussion of revisions to the Town's Tree Ordinance**

      Allen Parsons, Planning, Zoning & Building Director, provided an overview of the revisions to the Town's Tree Ordinance and reviewed a PowerPoint presentation.

      Discussion ensued on the following topics/issues:

      - Whether there was a time requirement for replacing trees; staff noted there are no time requirements, but if a tree is damaged or removed then the condominium association is required to replace that tree on-site, but have the option of planting a similar tree on public property; or paying into the Town Tree Fund
      - Is there enforcement or required inspection for the trees; staff indicated it was difficult for the Town to know whether trees were being removed without a permit unless someone reports it
      - When someone applies for a Tree Permit does staff know if it was replaced; it was explained that staff follows up with an inspection to verify
      - Suggestion to review the cost for replacing trees as they have not been updated since 2010
      - The ordinance requiring replacement of trees applies to condominium associations, but not single-family property owners
      - If the board revised the ordinance to require that replacement be done by either party, or both, would it violate the standard that the Town cannot make the Town Code more restrictive; Town Attorney Mooney indicated that the Tree Code falls outside the Town's Land Development Code chapters, so it was not subject to House Bill 250
      - Concern of the fairness for people to be required to remove/replace trees that were damaged as it could be a substantial cost; suggestion for exemptions in this situation
      - Concern with the distinction between single-family and condominiums; staff indicated they were not sure, but it was included in the original ordinance that was adopted in 1974; there is a statutory requirement that

allows developed single-family homes to be exempt if there are safety issues
- Suggestion that it was an opportunity for the board to review the entire chapter and determine if revisions should be made

Mr. Parsons noted that the Town Commission is requesting the board review the ordinance to determine whether the exemption should remain for natural disasters, and whether there should be something different than just a blanket exemption. Discussion continued on when the Town Commission was expecting the board's input; the Town Commission direction was to take time to review the ordinance; whether a barrier island should have trees that are not resilient; and suggestion to have condominium owners and experts included in the discussions.

The following individuals commented on the issue:

- Terry Driver, Gulf of Mexico Drive

Chair Lapovsky questioned the Town's Tree Fund and whether there was a balance in the fund. Mr. Parsons explained that payment into the fund is not often, but it does accumulate. He noted when the Town had different projects scheduled that might include placement of trees, the Tree Fund would be the source the Town would utilize to plant those trees. Attorney Mooney referred to the St. Regis Hotel and Residences project and the number of trees on-site commenting the owner had initially considered payment into the Tree Fund; however, they were required to plant some trees at a ratio of 2:1.

Following discussion, there was a suggestion for staff to review how other barrier islands address the replacement of trees and shrubs and consider having experts attend a meeting to educate the board. Attorney Mooney pointed out the University of Florida Extension Office has resources available in both counties who conduct research and determine the appropriate Florida landscaping, including water usage, runoff, pest reduction and use of native species. She noted there are government experts and private sector, but both Manatee and Sarasota Counties have extension offices, which are the recognized program throughout the state assisting communities to navigate proper landscaping.

There was a suggestion for staff to consider scheduling another workshop at their September meeting to further discuss this matter.

b. Update on Comprehensive Plan Implementation Work Plan

Elma Glisson, Planning Manager, provided an overview of solar energy and reviewed a PowerPoint presentation

The following topics/issues were discussed:

- While the training and guidelines seem sufficient and the goal was to pursue this, there was concern with the amount of training and time for staff to obtain the SolSmart designation

- Belief that the Town was moving forward with reviewing the possibility of solar for the Town and whether this was the first step, or whether it was unrelated; staff believed the original discussion was to review the technical assistance portion and review the Town Codes to see where revisions could be made and what technology might be applicable to the Town
- What was the anticipated timeframe and investment for staff to participate in the training; staff noted the 'Bronze' criteria would take approximately three (3) months maximum to review the code; the 'Silver' requires training for staff, which could take some time; and there is a solar landing page that staff could work with the IT Department to develop
- Whether there were sufficient funds available in the Town budget for staff to participate; staff mentioned there was technical assistance available at no cost

In response to a question related to the next steps, Ms. Glisson commented staff were getting the board's feedback as to whether the board felt it was an appropriate program and timing, and whether the board had additional feedback regarding things the staff should be reviewing. The next steps would include developing the Solar Statement, which could be drafted administratively and would include a simple statement on Town letterhead signed by a Town Official and bringing recommended Code language to the board for review and feedback in September.

10. New Business

Maggie Mooney, Town Attorney, addressed the Board regarding emails that include Town business and how the Town's advisory boards should utilize their Town assigned email accounts, including:

- Providing an overview of Town Resolution 2013-41, which the Town adopted to provide requirements for use of Town email accounts
- That advisory boards are required to utilize their Town-issued email accounts to conduct Town business and not their personal email accounts
- Discussing the implications of utilizing personal email accounts, noting there are significant consequences to each advisory board member, including exposing themselves and the Town to legal liability
- Noting that Resolution 2013-41 includes a provision for removal or sanction from the board

Mr. Abrams pointed out that his Town emails only go to one computer, and all his personal devices do not have Town email. Attorney Mooney pointed out that if a member receives an unsolicited email on their personal email account, they should transmit it to their Town email account as the Town Clerk's Office is the custodian of Town records.

Attorney Mooney noted that the device is not the issue, but the content of the communication. She explained that if the communication involves Town related business, it is subject to Florida Public Records laws, and the value of having a Town-issued email account is that all communications received or sent related to Town business come from your Town account. Discussion ensued on what discussions would trigger a public records issue. Chair Lapovsky questioned if there were any issues with using the Town email account on matters that might not be related to Town business. Attorney Mooney responded if it was just a general comment (i.e., setting up tennis play) it was not considered public record. She mentioned that the Town Commission has directed her office to draft a new robust ordinance on emails for discussion in the fall.

11. Staff Update

Allen Parsons, Planning, Zoning & Building Director, discussed the following updates with the Board:

- Discussed the department's storm damage permitting noting that the Town had contracted with outside permit staff to assist with processing of storm damage related permits; hurricane recovery, including FEMA flood requirements; substantial damage estimates on properties (approximately 3,000 properties were damaged); and, also those that were significantly damaged were inspected in order to provide an estimated dollar amount to the owner.
- Provided an overview of the department's conversion to the new Accela permitting system
- Reviewed the Town's new Forerunner program, which was on the Town's website and provides property specific flood elevations and allows homeowners to review/print their elevation certificates
- Discussed the Community Rating System (CRS) and Substantial Damage Estimate (SDE) letters

10. Planning & Zoning Board Member Comments

There were no Planning & Zoning Board Member comments.

11. Adjournment

The meeting was adjourned at 11:42 am.

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Paul Hylbert, Secretary
Planning and Zoning Board

Agenda Item 6-A

SolSmart Zoning Code Review

M E M O R A N D U M

TO: Planning and Zoning Board

FROM: Allen Parsons, AICP
Director – Planning, Zoning and Building Department

REPORT DATE: August 15, 2025

MEETING DATE: September 16, 2025

SUBJECT: SolSmart Zoning Code Review

Background

As part of the Comprehensive Plan Update, both the Planning & Zoning Board and the Town Commission have underscored the importance of promoting sustainable and renewable energy practices. This shared priority reflects a broader community commitment to enhancing post-hurricane resilience through the development of reliable and sustainable energy sources capable of supporting critical needs during and after emergencies.

On June 17, 2025, the Planning & Zoning Board reaffirmed its interest in advancing this goal by evaluating and proposing updates to the Town's zoning code. Specifically, the Board expressed support for incorporating use-specific standards for various types of solar energy installations, along with complementary regulatory provisions that facilitate responsible solar development within the community.

In alignment with the SolSmart Program – a national initiative that recognizes local governments for making it faster, easier, and more affordable to go solar – staff has prepared a Solar Statement (Attachment A). This document is a required program prerequisite (PR-1), formally articulates the Town's commitment to supporting solar energy initiatives and outlines the intent to pursue SolSmart designation. The statement was signed by the Department Director and submitted to the SolSmart Team on July 3, 2025.

To further support the Planning & Zoning Board in monitoring progress toward meeting SolSmart criteria, staff has also developed a SolSmart Tracking Table (Attachment B). This resource is designed to provide a clear overview of the criteria achieved to date and to guide ongoing efforts in achieving full designation.

SolSmart Zoning Code Review (PZ-1)

The SolSmart Technical Assistance Team has completed a review of the Town's zoning and land use regulations to evaluate the incorporation of best practices and identify potential barriers such as height restrictions, setback requirements, and other limitations, that may impact solar photovoltaic (PV) development.
As part of this review, the SolSmart expert assessed the Town of Longboat Key's existing regulatory framework and provided targeted recommendations for improvements. These suggestions include updates and additional language aimed at reducing obstacles and supporting the continued growth of solar energy within the Town.

The code was reviewed to determine if it incorporates best practice regulations for solar energy. Incorporating best practices improves transparency of processes and clarity of development standards and can support the growth of the local solar installations in an organized and efficient manner. The review is divided into four sections:

- Solar Purpose and Definition,
- Roof-mounted Solar,
- Ground-mounted Solar Accessory Use, and
- Ground-mounted Solar Primary Use.

Each section reviews code language applicable to the topic area or type of solar PV. Where needed, the review includes suggested language that the community could adopt to align the code with SolSmart recommendations. Codifying zoning code best practices for solar development can help prevent misinterpretation, changes in how the code is read, or future challenges to solar installations.

This memo summarizes the findings from SolSmart's zoning review of Longboat Key's land use and zoning regulations as they pertain to solar photovoltaic (PV) development. The purpose is to assess whether current code language presents barriers to solar energy deployment and to identify opportunities for improvement in line with best practices.

The SolSmart Technical Review of the Town of Longboat Key's zoning code resulted in the following key findings and recommendations:

Purpose and Definitions

- "Solar," "photovoltaic," "renewable energy," or "clean energy" are not mentioned in Town code.
- There are no definitions for solar energy systems in the code, including distinctions between system types and use cases (e.g., roof-mounted vs. ground-mounted; accessory vs. primary use).

Roof-mounted Solar

- Accessory use roof-mounted solar is not expressly allowed by-right.
- Accessory use ground-mounted solar is also not explicitly permitted in any zoning district.
- Primary use ground-mounted solar is not addressed.

Ground-mounted Solar Accessory Use Height:

- Roof-mounted solar is not exempt from district height restrictions.
- No clear standards exist for ground-mounted solar PV setbacks.
- Solar PV is not exempt from impervious surface or lot coverage calculations.

Regulatory Challenges

- No discretionary review process is required for solar.
- There are no barriers related to visibility, screening, glare, noise, roof slope, production or consumption limits, indicating the absence of explicit impediments.

SolSmart Recommendations

The following recommended actions are intended to better align the Town of Longboat Key's zoning code with nationally recognized best solar practices and to further support and streamline solar energy development:

- Add a solar energy purpose statement in the zoning code to connect solar development with community goals (e.g., sustainability, energy resilience).
- Incorporate definitions for various solar energy system types and uses.
- Codify accessory roof-mounted solar as an allowed use by-right in all major zoning districts.
- Exempt roof-mounted systems from height limits or allow reasonable height extensions.
- Permit ground-mounted accessory systems in at least one zoning district with clear setback and placement standards.
- Exempt ground-mounted systems from impervious surface/lot coverage rules when vegetative ground cover is maintained.

SolSmart Next Steps

1. Present this zoning review to the Planning & Zoning Board (Credit PZ-2).
2. Use feedback from the presentation to draft zoning amendments (Credit PZ-3).
3. Present the draft Zoning Amendments to the Planning & Zoning Board, and Town Commission, for approval.

Staff Recommendation

For Planning and Zoning Board feedback on SolSmart's Technical Zoning Review attached to this memo. Feedback will be integrated into an upcoming ordinance and shared with the Town Commission for adoption.

Attachments

Attachment A: SolSmart Statement
Attachment B: Calculation Table
Attachment B: SolSmart Zoning Review

SolSmart Criteria Overview

The SolSmart Standard Pathway contains 92 criteria, each of which is a specific action that local governments can implement to encourage solar energy development in their community. Each criterion has a corresponding point value of 5, 10, or 20.

Criteria Identifier	Criteria Points	Permitting and Inspection Criteria
PR-1	Req'd	Provide a document that demonstrates your local government's commitment to pursue SolSmart designation.
PI-1	Req'd	Post an online checklist detailing the required permit(s), submittals, and steps of your community's permitting process for residential rooftop solar PV. (Required for Bronze)
PI-2	10	Train permitting staff on best practices for permitting solar PV and/or solar and storage systems. Training must have occurred in the past two years. (Required for Silver)
PI-3	10	Train inspection staff on best practices for inspecting solar PV and/or solar and storage systems. Training must have occurred within the past two years. (Required for Silver)
PI-4	20	Post an online statement confirming a three-business day turnaround time for residential rooftop solar PV. (Required for Gold)
PI-5	20	Demonstrate pathway for instant/automatic approval of residential rooftop solar PV systems (e.g., using SolarAPP+). (Required for Platinum)
PI-6	10	Post community metrics related to the number of solar PV and solar + storage permits & inspections processed by the community annually, average annual permitting & inspection timelines. (Required for Platinum)
PI-7	5	Adopt a standard solar PV permit application form aligned with best practices.
PI-8	5	Distinguish between solar PV systems qualifying for streamlined and standard permit review.

PI-9	5	Require no more than one permit application form for a small rooftop solar PV system.
PI-10	20	Provide an online process for solar PV permit submission and approval.
PI-11	5	Receive a demonstration of an instant or automated platform (e.g., SolarAPP+) and discuss how it might be implemented in the permitting process.
PI-12	20	Exempt or waive fees for residential solar PV permit applications.
PI-13	5	Exempt or waive fees for residential solar PV permit applications for LMI customers.
PI-14	5	Demonstrate that residential permit fees for solar PV are $500 or less.
PI-15	10	Demonstrate that commercial permit fees for solar PV are based on cost-recovery and capped at a reasonable level so fees do not become a net revenue source. (e.g., fees cover the cost of the staff time required to review and process the permit application).
PI-16	10	Post an online checklist detailing the required permit(s), submittals, and steps of your community's solar plus (e.g., battery storage, and/or electric vehicle charging) permitting process.
PI-17	10	Post an online checklist detailing the required permit(s), submittals, and steps of your community's permitting process for primary use ground-mount solar and include any additional state required permits.
PI-18	10	Post solar PV inspection requirements online, including the inspection process and what details inspectors will review.
PI-19	10	Require no more than one inspection for small rooftop solar PV.
PI-20	10	Offer inspection appointment times in lieu of appointment windows for solar PV.

PI-21	10	Provide an online process for solar PV inspection scheduling.
PI-22	10	Show that the community has implemented virtual, photo, or another innovative inspection practice with solar and/or solar plus storage.
PI-23	10	Post solar plus (e.g., battery storage and/or electric vehicle charging) inspection requirements online, including the inspection process and what details inspectors will review.
PI-24	10	Train fire and safety staff on solar PV and/or solar and storage systems. Training must have occurred in the past two years.
PI-25	10	Train fire and safety staff on specific plans and procedures for responding to an emergency at a large-scale solar PV system within the jurisdiction. (This may include a walk-through of the site, coordinated with the project's owner/operator). Training must have occurred in the past two years.
PI-26	10	Share site specific solar PV and/or solar and storage permit data, including addresses, with first responders and their departments. (e.g., through software that allows users to view searchable, filterable data about a specific site and system).
PI-27	5	Clearly identify all local amendments to model codes where local code deviates from model code for solar and solar plus storage. Summarize those local amendments on a public webpage.
PI-28	10	Demonstrate that current model code (IRC, IBC, and NEC) cycle is implemented in the community for solar and solar plus storage (codes must be the most recent editions (or penultimate edition).

Criteria Identifier	**Criteria Points**	**Planning and Zoning Criteria**
PZ-1	Req'd	Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required for Bronze).

		Examples include height restrictions, set-back requirements, screening requirements, visibility restrictions, etc.
PZ-2	5	Present PZ-1 memo findings to planning commission or relevant body.
PZ-3	5	Draft proposed language for changes to zoning code based on PZ-1 memo and PZ-2 dialogue. Involve planners and/or local zoning experts and/or the public (e.g., through community-based organizations) in the creation of the draft language.
PZ-4	0	Post an online document from the Planning/Zoning Department that states accessory use solar PV is allowed by-right in all major zones. (e.g., via a zoning determination letter). (Required for Silver unless Gold Requirement PZ-5 is achieved. If PZ-5 is achieved, PZ-4 is not necessary.)
PZ-5	10	Codify in the zoning ordinance that accessory use rooftop solar PV is explicitly allowed by-right in all major zones. (Required for Gold, PZ-4 is optional)
PZ-6	10	Ensure the zoning ordinance language does not include intentional or unintentional barriers to accessory use rooftop solar PV, including but not limited to aesthetic or performance standards, screening requirements, limits to visibility, excessive restrictions to system size or rooftop coverage, glare or glint regulations, and subjective design reviews. (Required for Gold, PZ-4 is optional)
PZ-7	5	Ensure the zoning ordinance permits small ground-mounted solar PV as an accessory use in at least one zoning district.
PZ-8	5	Ensure the zoning ordinance exempts small ground-mounted solar PV from certain restrictions on accessory uses (e.g., setbacks, coverage or impervious surface calculations, or other restrictions).
PZ-9	5	Ensure the zoning ordinance establishes a clear regulatory pathway for large-scale solar PV (e.g., through a special use permit or through inclusion among allowed conditional uses).
PZ-10	10	Ensure the zoning ordinance includes a native perennial vegetation and/or habitat-friendly ground cover standard for large-scale solar PV.

PZ-11	5	Ensure the zoning ordinance enables co-location of solar PV with an agricultural use such as grazing, apiaries, or crops (agrivoltaics).
PZ-12	5	Ensure the zoning ordinance requires a decommissioning plan that outlines the terms and conditions for a large-scale solar PV system's proper removal at the end of its useful life cycle or in the event of cessation of operation. (The decommissioning plan may include steps to remove the system, requirements for disposal and/or recycling of system components, and restoration as needed to allow for return to agriculture or other land use).
PZ-13	5	Ensure the zoning ordinance establishes solar energy zones and/or solar overlays for large-scale solar PV.
PZ-14	10	Require new construction to be solar ready in at least one zoning district by adopting Appendix U (International Code Council), Appendix RB (International Energy Conservation Code), or another mechanism.
PZ-15	20	Codify a solar requirement for new construction and/or retrofits meeting a specific threshold, in at least one zoning district.
PZ-16	10	Require new construction affordable housing and multifamily housing to be solar ready.
PZ-17	10	Provide clear guidance for the installation of solar PV in areas such as historic properties, flood zones or special overlay districts.
PZ-18	10	Train planning and zoning staff on best practices in planning and zoning for solar PV. Training must have occurred in the past two years.
PZ-19	5	Post an online fact sheet that provides an overview of what zoning allows for solar PV under what conditions and in which districts (e.g., types and sizes of solar systems permitted, the processes required, and other relevant information).
PZ-20	10	Include specific solar PV goals, metrics, and strategies in the most current published version of relevant local plans (e.g., energy plan, climate plan, comprehensive plan).

PZ-21	5	Draft new or updated language and provide a timeline for the inclusion of specific solar PV goals, metrics, and/or strategies into existing and/or future plans.
PZ-22	5	Share solar PV progress towards achieving targets or metrics from PZ-20 on the solar landing page.
PZ-23	10	Include specific large-scale solar PV goals, metrics, and strategies in the most current published version of relevant local plans (e.g., energy plan, climate plan, comprehensive plan).
PZ-24	20	Develop a solar PV assessment that identifies community-wide feasibility for solar PV development within a jurisdiction (differentiate between large-scale, municipal, etc.)
PZ-25	10	Enable solar rights through a local solar access ordinance.
PZ-26	20	Codify in the zoning ordinance that accessory use energy storage systems are explicitly allowed by-right in all major zones.

Criteria Identifier	**Criteria Points**	**Government Operations Criteria**
GO-1	20	Install solar PV on local government facilities and/or local government-controlled land. (Required for Platinum)
GO-2	10	Discuss community goals for solar PV, net metering, community solar, and/or interconnection processes with the local utility and explore areas for future collaboration.
GO-3	10	Coordinate with regional organizations and/or local governments to engage utilities on advancing solar policies such as utility procurement of solar PV, green tariffs, and/or interconnection process improvements.
GO-4	20	Demonstrate coordination between local government inspectors and utility staff to reduce Permission to Operate timeline for solar PV.

GO-5	10	Conduct feasibility analysis for solar PV on local government facilities and/or local government-controlled land.
GO-6	20	Install solar PV integrated with other technologies such as battery storage or electric vehicle charging on local government facilities and/or local government-controlled land.
GO-7	20	Install solar PV on local government-controlled brownfields and/or under-utilized properties.
GO-8	10	Require new local government facilities and/or facility retrofits meeting a specific threshold to be solar ready.
GO-9	20	Procure solar energy for municipal operations through an offsite physical power purchase agreement (PPA), virtual PPA, green tariff or similar structure.
GO-10	5	Obtain a Community Benefits Agreement with solar developer for solar installation.
GO-11	10	Post metrics related to the number of municipal solar PV or solar PV plus storage/EV installations and installed capacity, municipal solar PV energy procured (ownership, PPAs, community solar offtake), and percent (%) of municipal energy usage offset by renewable energy.
GO-12	10	Directly install or provide technical or financial support for the installation of solar PV on affordable housing, multifamily housing, community-based organizations, and/or resilience hubs.
GO-13	10	Train local government staff on regulatory and (where applicable) wholesale market barriers to solar deployment and potential engagement pathways to address these barriers. Training must have occurred in the past two years.
GO-14	10	Train local government staff on best practices and issues regarding solar interconnection with the local utility. Training must have occurred within the past two years.

Criteria Identifier	Criteria Points	Community Engagement Criteria
CE-1	10	Post a solar landing page on local government's website with information that may include the community's solar goals, educational materials and tools that promote solar, and resources for solar development (e.g., permitting checklist, application forms, zoning regulations, etc.). (Required for Silver)
CE-2	20	Establish partnerships with local community-based organizations or other organizations focused on serving your community to define your solar goals, develop implementation strategies, and establish a plan for tracking and reporting on progress. (Required for Platinum)
CE-3	5	Post online resources about residential and commercial solar PV financing options and incentives.
CE-4	5	Post online resources about consumer protection and solar PV.
CE-5	5	Post an online summary of state policies related to a property owner's solar access and solar rights, including links to state-level policy.
CE-6	5	Post an online summary of state policies related to Homeowner Associations (HOAs) ability to regulate and/or restrict solar PV, including links to state-level policy.
CE-7	5	Post online resources about solar installers and/or solar quote platforms for solar PV.
CE-8	5	Post an online solar map for your community.
CE-9	5	Post an online dashboard or summary of solar PV metrics for your community, including total installed solar PV capacity, solar PV + storage installations, and community solar and/or solarize subscribers (if applicable).
CE-10	5	Distribute solar job training and career opportunities in coordination with local colleges and/or workforce development organizations.

CE-11	5	Demonstrate local government support for local solar projects through speeches, press releases, opinion articles, etc.
CE-12	10	Discuss solar PV goals and/or strategies for increasing solar PV development, including large-scale solar plans, solar affordability, and/or solar adoption, within an appropriate committee, commission, taskforce, and/or working group. (e.g., solar is a recurring agenda item during monthly sustainability commission meetings).
CE-13	5	Support a solar informational session and/or solar tour explaining solar PV opportunities and policies. Session/Tour must have occurred within the last 2 years.

Criteria Identifier	**Criteria Points**	**Market Development Criteria**
MD-1	20	Demonstrate activity in state regulatory and/or legislative proceedings regarding solar PV.
MD-2	20	Support a community-wide group purchase program (e.g., Solarize). Program must have occurred within the last 2 years.
MD-3	10	Define and implement a pathway specifically for low-to-moderate income (LMI) residents to participate in a community-wide group purchase program through program design and/or financing support options.
MD-4	20	Support a community solar program.
MD-5	10	Define and implement a pathway specifically for low-to-moderate income (LMI) residents to participate in a community solar program through program design and/or financing support options.
MD-6	20	Provide residents with Community Choice Aggregation/Energy that includes solar PV as a power generation source.

MD-7	10	Provide a PACE financing program that includes solar PV as an eligible technology.
MD-8	20	Provide local incentives or locally-enabled finance (e.g., a revolving loan fund) for solar PV and/or solar PV + technologies (e.g., battery storage and/or electric vehicle charging).
MD-9	5	Provide local incentives for solar PV to non-profit organizations that provide community services.
MD-10	20	Partner with financial institutions and/or foundations to offer loans, rebates, grants, or other incentives for solar PV projects. (Financial institutions could include entities such as a local or regional bank, CDFI, or credit union).

Criteria Identifier	**Criteria Points**	**Innovative Action Criteria**
IA-1	Varies	The actions identified in the categories above represent many of the most common and impactful efforts communities are taking to make going solar easier and more affordable for residents and businesses. However, we know that communities across the country are developing innovative ways to promote and deploy solar energy. If your community has taken action that was not captured in any of the criteria above, please share it with us.

PZ-1 Zoning Review

Community: Longboat Key, FL

PZ-1: Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required for Bronze)

To assist your local government, the national solar experts at SolSmart have conducted a review of your community's zoning and land use regulations to assess the use of best practices, possible barriers (i.e. height restrictions, set-back requirements, etc.) and gaps related to solar PV development. The Longboat Key Zoning Code was accessed and reviewed during June 2025. The code was accessed via the Longboat Key website (with a redirect to the Municode Library website).

Below, please find the outcome of the review.

As the SolSmart expert reviewed your community's zoning and land use regulations, they have provided recommendations for improvements and additional language that can support growth of the solar market in your community. Zoning codes should provide clear and transparent regulations on the development and use of solar energy within the jurisdiction. Recognizing that zoning codes must be specific to each community to address unique needs and local factors, SolSmart recommended language may need additional local context. Incorporating clear and transparent solar PV guidelines and regulations into zoning codes can help streamline development processes and reduce costs related to new solar PV installations.

By reading the narrative and signing the statement at the bottom of the page, your community will satisfy the PZ-1 pre-requisite and be one step closer to achieving SolSmart designation.

Summary

- A search for "photovoltaic" yielded 0 results.
- A search for "solar" yielded 0 results.
- A search for "renewable energy" yielded 0 results.
- A search for "clean energy" yielded 0 results.

Next Steps

We recommend the following steps to best utilize the zoning review.

1) This zoning review can be presented to the Planning & Zoning Commission or relevant zoning body to achieve credit PZ-2.
2) Based on the zoning review and the dialogue from the Planning Commission meeting, staff can draft proposed language for changes to the zoning code to achieve credit PZ-3.
3) SolSmart staff are available to help present the zoning review and/or provide guidance and feedback on draft language.

Best Practice Review & Recommendations

The code was reviewed to determine if it incorporates best practice regulations for solar energy. Incorporating best practices improves transparency of processes and clarity of development standards and can enhance the growth of the local solar market in an organized and efficient manner. The review

is split into four sections: **Solar Purpose and Definition, Roof-mounted Solar, Ground-mounted Solar Accessory Use, and Ground-mounted Solar Primary Use**. Each section reviews code language applicable to that topic area or type of solar PV. Where needed, the review will include suggested language that the community could adopt to align the code with SolSmart recommendations. Codifying zoning code best practices for solar development can help prevent misinterpretation, changes in how the code is read, or future challenges to solar installations.

Solar Purpose and Definitions

Purpose or Intent		
The code does NOT contain a purpose or intent for including solar energy regulations in the code.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement: ☒
The purpose section of the zoning code provides an opportunity to include goals related to solar to link solar energy development to specific community goals and plans. Referencing specific goals and plans in the purpose section can create a stronger foundation for future solar projects.		
Suggested Language		

Below are examples of how solar energy could be included in the zoning purpose.

Longboat Key has adopted the following regulations to encourage the efficient and effective development and use of solar energy systems while protecting the public health, safety, and welfare of its residents.

Solar energy is a renewable energy resource and valuable economic resource that can be utilized throughout the town of Longboat Key for the following purposes *(the following bullet points are optional depending on community goals and plans):*

1) To implement the following objectives of the Comprehensive Plan:
    a) Encourage the use of local renewable energy resources.
    b) Promote sustainable building design and practices.
    c) Encourage economic development while preserving the community's historic resources and character.
2) To meet the goals of the Climate Action Plan, Sustainability Plan, Clean Energy Resolution.
    a) [*REFERENCE GOALS OR TARGETS]*
3) To decrease the community's reliance on fossil fuel power sources and reduce greenhouse gas emission/achieve carbon reduction goals.
    a) [*REFERENCE SPECIFIC GOALS OR TARGETS]*
4) To enhance the reliability and resiliency of the local power grid and make more efficient use of the local electric distribution infrastructure.
5) To promote consumer choice and allow residents and businesses to use local, renewable energy while displacing fossil fuel generation.
6) To improve air quality and protect public health.

Definitions		
The code does NOT contain definitions for solar energy.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement:☒
Needs Improvement Definitions form the basis of understanding for the terms used throughout the solar energy section of the code and reduce the chance for misinterpretation. At a minimum, a local government should include definitions that distinguish between solar energy system type (roof-mounted vs ground-mounted) and use (accessory vs primary) to provide clarity and a foundation on which to specify permissible uses in specific zoning districts and provide development standards. Definitions that may be beneficial for communities to include in their zoning codes are provided.		
Suggested Language		
1) *Solar energy system:* A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. 2) *Solar photovoltaic system:* A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring. 3) *Grid*-connected solar energy system: A solar photovoltaic system that is connected to an electric circuit served by an electric utility company. 4) *Roof-mounted solar energy system*: A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use. 5) *Ground-mounted solar energy system (Accessory Use)*: A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use. 6) *Ground-mounted solar energy system (Primary Use)*: A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the primary land use for the parcel(s) on which it is located. Primary use systems are permitted through a discretionary approval process. 7) *Community-scale solar energy system*: A solar photovoltaic system that qualifies for the [STATE COMMUNITY SOLAR PROGRAM NAME – if applicable].		

Roof-Mounted Solar

Roof-mounted Accessory Use Solar		
The code does NOT explicitly permit accessory use roof-mounted solar PV systems as a by-right or allowed use.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒
Needs Improvement		

The zoning code does not clearly state that certain types/sizes of solar energy systems are considered an allowed or by-right accessory use.

Zoning often provides additional processes, which can be long and costly, to consider special exceptions when a proposal is inconsistent with current land use regulations. Codifying solar as an accessory use and as an allowed or by-right use in all major zoning categories provides policy certainty and clarity which can promote easier and more equitable solar deployment. It can increase solar development and save property owners time and money if they're able to avoid going through a more extensive discretionary process to have their solar system considered. For example, removing the need for a planning commission or equivalent entity to make a judgement prior to approving the project can reduce the time and expense of a solar installation (this can also allow local government staff to focus on other priorities and projects).

Often accessory use solar is not listed as a permitted use in a zoning code, even though it may be treated as such in practice (though in other instances, if it is not listed it may be considered prohibited). This lack of clarity on language could cause confusion and open the door to various interpretations/determinations of use. Including explicit language that clearly states that rooftop solar is allowed by right can help prevent misinterpretation, changes in how the code is read, or future challenges to rooftop installations.

Applicable SolSmart Credit: PZ-5, Codify in the zoning ordinance that accessory use rooftop solar PV is explicitly allowed by-right in all major zones.

Suggested Language

Roof-mounted solar energy systems are a permitted accessory use within **all zoning districts**, subject to the following development standards.

Roof-mounted Solar Height

The code does NOT exempt roof-mounted solar PV from height restrictions.

Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒

Needs Improvement

The current zoning language indicates that solar equipment shall meet the height requirements for the zone that the system is installed in.

It is best practice to exempt roof-mounted solar energy systems from district height requirements. Height restrictions are often imposed on buildings within specific zoning districts to satisfy several planning objectives such as protection of views, controlling neighborhood character, density, and access to sunlight. In many districts, buildings, particularly those with flat rooftops, are constructed up to the maximum allowed height, thereby limiting a buildings ability to install solar unless exemptions are provided. Many local governments exempt antennas, chimneys, flagpoles, and mechanical equipment from height limits to allow for their placement and use. Since solar panels are most efficient when installed at an angle equal to a location's latitude, local governments should consider exempting solar energy systems from height restrictions. Alternatively, local governments can permit solar energy systems to exceed the maximum building height in all applicable districts.

Applicable SolSmart Credit: PZ-6, Ensure the zoning ordinance language does not include intentional or unintentional barriers to accessory use rooftop solar PV.

Suggested Language

Sloped Roof

On a pitched/sloped roof, solar energy systems shall be installed parallel to the roof surface and may not extend beyond the edge of the roof peak.

Flat Roof

For flat roofs, local governments can select from one of the following two options depending on how the zoning ordinance addresses the height of rooftop appurtenances, chimneys, antennas, and/or rooftop mechanical equipment.

1. *If the ordinance exempts certain features/structures from height limits, then it is recommended that roof-mounted solar energy systems also be exempted from height limits.*

On a flat roof, solar energy systems are exempt from zoning district height limits.

2. *If the ordinance does not include any exemptions, then it is recommended to allow roof-mounted solar energy systems to exceed a districts height limit.*

On a flat roof, solar energy systems are permitted to exceed the zoning district height limits by up to 10 feet.

Ground-mounted Accessory Use Solar

Ground-mounted Accessory Use Solar

The code does NOT explicitly permit accessory use ground-mounted solar PV systems as a by-right or allowed use in at least 1 zoning district.

Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒

Needs Improvement

The zoning code does not clearly state that certain types/sizes of ground-mounted solar energy systems are considered an allowed or by-right accessory use.

Sometimes a property is not suitable for a roof-mounted solar system because the building has structural limitations, or the rooftop is shaded. In these instances, a small ground-mounted solar PV system can still allow the property owner to install solar and enjoy the benefits.

Allowing accessory use ground-mounted solar may not be appropriate for dense urban cores or highly developed areas but can be suitable for less dense parts of a community, in areas where lot sizes are bigger, and/or in commercial and industrial zoning districts where a primary use might have available land for a ground-mounted system.

Applicable SolSmart Credit: PZ-7, Ensure the zoning ordinance permits small ground-mounted solar PV as an accessory use in at least one zoning district.

Suggested Language
Ground-mounted solar energy systems are a permitted accessory use within all zoning districts, when incidental to one or more permitted primary and/or accessory structure(s), subject to the following development standards.

Ground-mounted Solar Setbacks and Placement		
The code does NOT contain setback or placement standards for accessory use ground-mounted solar PV.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement: ☒
Needs Improvement Setback standards or placement requirements should not hinder the efficiency and effectiveness of accessory use ground-mounted solar. Accessory use ground-mounted solar energy systems should have similar setback requirements to other residential accessory use structures. These setbacks generally allow accessory structures to be built closer to a property line than primary structures. Applying less restrictive setback requirements allow a ground-mounted solar PV system to operate efficiently through appropriate sizing, optimal siting, and ensuring access to adequate sunlight. Depending on the character and typical lot size of the community, it may be appropriate to encourage the siting of accessory use ground-mounted PV systems in the side or rear yard of a property. Rural communities or those with large lots can be less restrictive and allow solar energy systems to encroach into established residential accessory use setbacks. **Zoning codes should be clear on the standards and placement requirements that apply to accessory use ground-mount soar.**		
Applicable SolSmart Credit: PZ-8, Ensure the zoning ordinance exempts small ground-mounted solar PV from certain restrictions on accessory uses (e.g. setbacks, coverage or impervious surface calculations, or other restrictions).		
Suggested Language		
Ground-mounted solar energy systems shall comply with the accessory structure setback requirements of the zoning district in which it will be installed.		

Ground-mounted Solar Lot Coverage/Impervious Surface		
The code does NOT exempt accessory use ground-mounted solar PV from lot coverage and/or impervious surface standards.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒
Needs Improvement As long as the area beneath a ground-mounted solar PV system is pervious (e.g. grass, native vegetation, etc.) the system should be exempt from lot coverage and impervious surface requirements. The tilt and spacing of solar panels allow for precipitation to drain into the pervious ground cover. Ground-mounted PV systems are not analogous to paved driveways or accessory structures like sheds, garages, or accessory dwelling units and therefore do not need to be included in lot coverage or impervious surface calculations.		

Applicable SolSmart Credit: PZ-8, Ensure the zoning ordinance exempts small ground-mounted solar PV from certain restrictions on accessory uses (e.g. setbacks, coverage or impervious surface calculations, or other restrictions).
Suggested Language
Ground-mounted solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover.

Ground-mounted Solar Primary Use

Ground-mounted Solar Primary Use		
The code does NOT include standards for primary use ground-mounted solar PV.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒
Needs Improvement The code doesn't contain any requirements for primary use solar energy systems. If the community has enough usable land that could be developed for a large-scale solar energy system, they should include development standards for primary use solar energy systems into the zoning code. This could be of particular interest if there is a brownfield site such as a landfill available for development.		
Applicable SolSmart Credits: PZ-9, Ensure the zoning ordinance establishes a clear regulatory pathway for large-scale solar PV (e.g. through a special use permit or through inclusion among allowed conditional uses).		
Suggested Language		
See pages 12 -13 in SolSmart's Best Practice Guidance for Solar and Zoning for a list of state model solar ordinances that contain template language for primary use solar energy systems.		

Barrier Review

Solar energy standards should serve to guide and enable solar development, not create ambiguity, or restrict solar development. Certain design and performance standards can create significant barriers to solar PV. The inclusion of any of the following standards are not best practices and will likely impact the local government's ability to achieve SolSmart Gold designation. The statements containing NOT align with best practices. In addition to removing existing barriers, this review can help ensure that barriers are not introduced if the community updates their zoning code to include additional solar language.

Roof-mounted Solar Screening		
The code does NOT require screening for roof-mounted solar PV systems.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not best practice to require screening for roof-mounted solar energy systems. Screening requirements may increase installation costs and decrease system efficiency. Solar PV performance depends on optimal siting of the system and clear access to solar radiation. Screening requirements could negatively impact system performance if the screening results in shading. Screening requirements could also hide the location of important system components that are necessary to shut off a system in case of a fire or other type of emergency.		

Limits to System Visibility		
The code does NOT include standards to limit system visibility (e.g. not visible from public rights of way).		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to suggest the placement of solar panels should be done to reduce their visibility. In fact, it could severely limit where solar energy systems are installed. Solar PV performance depends on panel location with the best performance occurring when panels are located on a southerly exposure. Less than optimal siting for solar panels can decrease the amount of sunlight a system receives and thereby negatively impact performance.		

Aesthetic Standards		
The code does NOT include aesthetic standards for solar PV systems.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to require systems to blend into the architecture of the structure, be camouflaged from public view, be constructed of dull or dark colors, or be non-reflective. Aesthetic requirements can increase installation costs but would most likely prohibit a solar energy system from being installed since key system components like solar panels cannot be altered or painted to blend into the architecture or color scheme of a building. Aesthetic requirements could also hide the location of important system components that are necessary to shut off a system in case of a fire or other type of emergency.		

Glare, Glint, and/or Noise Standards		
The code does NOT include glare, glint, and/or noise standards for solar PV systems.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to require a glare study prior to the installation of a solar energy system. Solar PV panels are designed to absorb incoming solar radiation and limit the amount of reflected light. Solar panels are designed with anti-reflective glass. A glare study will increase installation costs. It is not a best practice to suggest the placement of solar panels should be done to minimize glare. In fact, it could severely limit where solar energy systems are installed. Solar PV performance depends on panel location with the best performance occurring when panels are located on a southerly exposure. Less than optimal siting for solar panels can decrease the amount of sunlight a system receives and thereby negatively impact performance. Additionally, solar PV panels are designed to absorb incoming solar radiation and limit the amount of reflected light. Solar panels are designed with anti-reflective glass.		

The glare from a solar panel is similar to that of smooth water. A glare study is recommended if solar panels will be sited close to an airport but otherwise the analysis is usually unnecessary, adding time and cost to a project.

It is not a best practice to require an acoustic study or have maximum level of noise the system can produce. Roof-mounted solar energy systems produce very minimal noise. An acoustic study will increase installation costs.

Roof Space Coverage Limit		
The code does NOT limit solar PV system coverage to a percentage/part of the available roof space.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to limit the coverage of a roof-mounted solar energy system. All buildings should have the opportunity to install a roof-mounted solar energy system to the maximum extent possible, so long as the roof is structurally capable of holding the load and applicable emergency access requirements are maintained. Maximizing a solar PV systems roof coverage is important goal since buildings are transitioning to electric appliances and systems and incorporating electric vehicle charging equipment.		

Prohibition on Flat or Low Sloped Roofs		
The code does NOT prohibit solar PV systems on flat or low sloped roofs.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to prohibit solar energy systems on flat or low slopped roofs. All buildings should have the opportunity to install a roof-mounted solar energy system regardless of roof slope, so long as the roof is structurally capable of having a solar energy system. Many buildings with flat roofs like warehouses, data centers, distribution centers, and big box retail stores are excellent candidates for roof-mounted solar energy systems.		

Limits on Electricity Production		
The code does NOT include limits on how much electricity a solar PV system can produce.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to include limits on the amount of electricity a solar energy system can produce. Regulations and policies like this are normally set by a state entity (Public Utility Commission/Public Service Commission) and/or local electric utility and are not appropriate for zoning codes.		

Limits on Electricity Consumption		
The code does NOT include limits on where a solar PV system's energy is consumed.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐

It is not a best practice to include limits on where a solar energy system's electricity can be consumed. Regulations and policies like this are normally set by a state entity (Public Utility Commission/Public Service Commission) and/or local electric utility and are not appropriate for zoning codes.

Discretionary Review Process		
The code does NOT identify a discretionary review process for accessory use solar PV.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to have a discretionary review process for accessory use solar PV. This has the potential to be an onerous and/or subjective process for accessory-use solar energy systems and could increase a project's timeline and costs. Roof-mounted systems should be an allowed or by-right use and only need to go through the building permit process to ensure compliance with applicable building and electrical codes. Depending on the complexity of a conditional use permit process, the time it takes to permit a small, accessory-use solar energy system may increase the cost of the project and therefore decrease the ability of all residents and business to be able to access and afford solar.		

Conclusions

The Longboat Key Zoning Code does not currently provide standards for the development of solar energy. The code could be enhanced by adding an ordinance for solar energy systems that expressly outlines the zones in which solar is an allowed use and provides clear development standards for accessory use and primary use solar PV. Please see Best Practice Guidance for Solar and Zoning - Accessory Use for additional recommendations.

I, Allen Parsons, as the Director of Planning, Zoning and Building Department of the Town of Longboat Key, Florida have received the zoning review and read its findings.

Signature: Allen Parsons Date: 07/03/25

Please note that this review is not an endorsement or recommendation for changing and/or updating the zoning code. This is an informational review only.

If the local government has clarifying comments, please provide them in a memo to the SolSmart team.

Agenda Item 6-B

Amending Code Chapter 98, Trees

M E M O R A N D U M

TO: Planning and Zoning Board

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report Date: September 3, 2025

Meeting Date: September 16, 2025

Subject: Amending Code Chapter 98, Trees

Background:
At the May 5, 2025, Regular Meeting, the Town Commission adopted Ordinance 2025-04, which amended the Town's Trees ordinance to add an exemption from permitting requirements in cases where damage has occurred as a result of natural disaster. The Town Commission provided direction to have the Planning and Zoning Board (P&Z Board) review the Trees Code for possible updates including items recommended by citizens during public hearing testimony:

- potentially requiring a reduced tree replacement ratio for trees impacted by natural disasters (as an alternative to an overall exemption);
- allowing for a greater number of smaller replacement trees to substitute for the current required replacement tree ratio;
- providing different replacement ratios based on the type of tree; and,
- evaluating the remainder of the chapter for possible updates.

At the June 17, 2025, P&Z Board meeting, the Board had an initial discussion including background information and direction on subsequent discussion topics relating to the Town's Tree Ordinance. Key discussion points included:

- <u>Tree Replacement Requirements:</u>
  While there is no specific time requirement for tree replacement, property owners who remove a tree must either:
  - Replant on-site,
  - Plant on public property (with approval), or
  - Pay into the Town's Tree Fund.

- <u>Enforcement & Inspections:</u>
  Staff acknowledged difficulty in detecting unauthorized tree removals unless reported. Tree permit follow-ups include site inspections to verify replacement.

- <u>Cost Review:</u>
  The current replacement cost schedule has not been updated since 2010. A review was suggested to ensure fees remain appropriate and effective.

- Disaster-Related Tree Losses:
  Under the existing ordinance, single-family property owners are exempt from replacing trees, whereas multifamily/condominium complexes are not. The board discussed whether this distinction is equitable and whether both should be subject to the same requirements.

- Legal Considerations:
  Town Attorney Maggie Mooney clarified that the Tree Ordinance falls outside the Town's Land Development Code and the Comprehensive Plan and is therefore not governed by the restrictions in House Bills 250 and 180, which prohibit local governments from enacting more restrictive requirements in either the land development code or the Comprehensive Plan. This gives the Town flexibility in considering modifications to the Trees ordinance.

- Statutory Exemptions:
  Concerns were raised regarding the financial burden on property owners required to replace trees after natural disasters. It was noted that developed single-family properties are statutorily exempt, and that this exemption dates back to the original 1974 Ordinance.

- Utilization of the Tree Fund:
  Inquiries about the status of the Town's Tree Fund were raised. Staff presented that while contributions are infrequent, the fund does accumulate and is used to support tree-planting initiatives.

Discussion:

1) **Tree Regulations in Surrounding Jurisdictions**
   The P&Z Board requested information on Tree Codes in surrounding jurisdictions. A summary of the City of Anna Maria, City of Holmes Beach, Sarasota and Manatee County's Tree Codes are below. Copies of each Code can be found in attachments A through D.

   City of Anna Maria Tree Landscape and Tree Code (Attachment A):
   The City of Anna Maria's Landscape and Tree Ordinance establishes minimum landscaping standards to preserve natural vegetation, protect wildlife habitats, improve air and water quality, and enhance property values using Florida-Friendly plants. It applies to new developments, redevelopments, or expansions exceeding certain size thresholds and requires detailed landscape plans with specific minimums for trees and shrubs on both residential and commercial properties. The ordinance mandates that at least 10% of a property be landscaped, with a strong emphasis on diverse Florida-Friendly species and sets standards for vegetation buffers between commercial and residential areas to provide visual screening and protection.

Additionally, the ordinance includes strict rules on tree protection, removal, and replacement, particularly for “grand trees” (large, mature trees), which can only be removed under exceptional circumstances. It prohibits invasive plant species, requires irrigation systems to include rain sensors, and mandates protective barriers during construction to prevent tree damage. Replacement trees must meet specific size requirements and be installed promptly if initial plantings fail. The city also commits to replacing trees and shrubs removed from public lands, maintaining the overall vegetative health and aesthetic of the community.

Per Sec. 114-420(m), when any tree must be replaced, whether due to removal, damage, or destruction, the replacement trees are required to meet minimum size standards to ensure they contribute meaningfully to the landscape: specifically, each replacement tree must have a minimum diameter at breast height (DBH) of 1.5 inches and be at least 10 feet tall at the time of planting. The replacement trees must also be a Florida-Friendly species. If a replacement tree does not survive, it must be replaced again within six months, ensuring continued compliance with landscaping standards and maintaining the city’s green canopy.

Additionally, during construction, any existing trees that are damaged or destroyed must be replaced on a two-to-one basis, meaning two replacement trees for every one tree lost or harmed, before a certificate of occupancy can be issued. This rule incentivizes careful protection of existing vegetation and helps maintain or improve overall tree coverage.

For public lands within the city, if a Florida-Friendly or exotic tree of at least 4 inches DBH is removed, the city commits to replacing it with two Florida-Friendly trees as close to the original site as possible, and replacement must occur within 60 days of removal, with budgeted funds set aside for this purpose.

City of Holmes Beach Landscaping and Tree Protection Code (Attachment B):
The landscaping regulations in Holmes Beach aim to enhance aesthetics, environmental sustainability, and safety across various zoning districts**.** Residential areas must include a minimum of two native trees and six native shrubs per dwelling, while commercial and multi-family zones must maintain at least 15% landscaped area, including setback buffers and native vegetation preservation. Oceanfront lots have specific requirements for salt-tolerant plants, and all landscaped areas must be maintained and irrigated. Parking lots are subject to detailed landscaping rules, including buffer zones, tree planting, and visibility considerations to reduce visual and environmental impacts. Landscaping plans are mandatory for most

new developments and must align with the Florida Yards and Neighborhoods Program[1].

Certain invasive or non-native trees are exempt from protection, and normal maintenance or storm-damaged tree removal may be allowed without a permit. Storm damage exemptions (Section 8.8(D)) in the aftermath of severe weather events such as hurricanes, high winds, flooding, or other natural disasters, the code allows for temporary flexibility in the tree removal process. Specifically, trees or shrubbery that are destroyed or harmed as a result of such events are exempt from the usual permit requirements for a period of 30 days following the disaster. This provision is designed to allow property owners to act quickly to remove hazardous, fallen, or severely damaged vegetation without being delayed by permitting processes.

However, there are still procedural safeguards: the property owner must provide written notice to the building official (or a designated city representative) at least three business days prior to removal, stating the intent to remove, replace, or relocate the affected vegetation. The building official is required to respond, approving or denying the request, within the same three-day period. If no response is given in the allotted time, the request is automatically approved. There is no fee for this type of inspection or review.

Manatee County Tree Protection Code (Attachment C):
Manatee County's Tree Protection Code is designed to preserve native trees and vegetation by regulating tree removal, relocation, and replacement across the county. The code encourages conservation of native plant communities, reduces the need for irrigation, and integrates existing natural features into site development wherever feasible. A permit is generally required to remove or relocate trees, with exemptions provided for single-family and agricultural properties, storm-damaged trees, utility installations, nursery stock, and other specific situations. Additionally, tree maintenance such as pruning is allowed within defined limits, if it does not alter the tree's natural form or create a hazard.

Tree removal is only permitted when it's deemed necessary for construction or use and must follow strict guidelines to minimize environmental harm. The code mandates tree replacement at specific ratios based on tree size, either on-site, on adjacent properties, or through a cash-in-lieu payment to the county's Tree Protection Trust Fund. The funds are earmarked for public beautification and reforestation projects.

[1] The Florida Yards & Neighborhoods Program is a University of Florida (UF/IFAS) Extension program that provides education on sustainable landscape practices through county-level extension offices. It teaches residents how to reduce pollution, conserve water, and protect natural resources by implementing Florida-Friendly Landscaping principles in their yards. The program offers resources, workshops, and a yard recognition program for residents who meet the criteria for sustainable landscaping.

Manatee County generally requires a tree removal permit for most tree removal or relocation activities, but the ordinance does outline several important exemptions, particularly for trees damaged by storms or natural events. In such cases, no permit is required, provided that the tree is so severely damaged that saving it would involve unreasonable costs or that it poses a hazard to human life or property. This exemption allows for the quick removal of storm-damaged trees, which may otherwise create safety concerns or interfere with storm recovery efforts.

Other exemptions to the permit requirement include trees on individual single-family or duplex lots (excluding common areas), trees grown commercially on licensed nursery or horticultural sites, and trees located within already-approved developments where tree removal is clearly documented in approved site or subdivision plans.

Sarasota County Tree Code (Attachment D):
Sarasota County aims to ensure responsible management, preservation, and enhancement of tree resources by reinforcing the County's commitment to preserving its tree cover. Certain species such as mangroves and large, mature grand trees hold special ecological, historical, or public value and therefore afforded greater protection. Additionally, native species are prioritized over invasive or exotic ones due to their critical role in local ecosystems.

Before undertaking any tree removal or land development activity in Sarasota County, a tree permit is generally required unless the activity qualifies for a specific exemption. Applicants must demonstrate that tree removal is necessary, for instance, due to safety hazards, site inaccessibility, or regulatory elevation requirements, and that no reasonable alternative exists. The County emphasizes best management practices during development, such as installing protective barricades around trees, minimizing disturbance within the drip line, and avoiding harmful substances or equipment storage near roots.

In cases where trees are removed, the County may require replanting, relocation, or replacement with trees of comparable size, quality, and canopy potential. Residential and commercial developments must meet minimum tree planting ratios based on lot size, and credits may be granted for preserving existing trees in good condition. The County also allows for alternatives like planting in common tracts instead of individual lots, provided the same tree density is achieved, and the plantings are maintained in perpetuity. Planting requirements are specific, including minimum sizes, species diversity, proper placement, and mulching standards. Violations of the tree code are subject to enforcement, with penalties ranging from fines and stop-work orders to replanting mandates or mitigation fees.

2) **Subject Matter Expert Presentations**
In addition to requesting information on Tree Codes in surrounding jurisdictions, the P&Z Board also recommended inviting subject matter experts to future discussions, to better inform potential amendments to the code.

For this P&Z Board meeting, staff has arranged a presentation by Ms. Alyssa Vinson, M.S., Urban Forestry Extension Agent II under the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS). She's a certified arborist and holds a master's degree in forestry, with a specialization in ecological restoration. Among Ms. Vinson's key efforts are developing and delivering educational workshops such as post-hurricane tree recovery sessions and the "CommuniTrees: Community Tree Grant" program, and creating resources to elevate tree stewardship among HOAs, municipalities, and individuals. She also hosts the *Cultivating Curiosity* podcast alongside another extension agent to share insights into urban forestry and encourage public involvement. Ms. Vinson will address key topics including appropriate replacement ratios for trees lost to storm damage, growth rates of native tree species, and the selection of salt-tolerant tree species.

Staff Recommendation:
For Planning and Zoning Board feedback on Chapter 98, Trees, to be developed into an Ordinance(s) for Town Commission consideration.

Attachments:
A. City of Anna Maria Landscape and Tree Code
B. City of Holmes Beach Landscaping and Tree Protection Code
C. Manatee County Tree Protection Code
D. Sarasota County Tree Code

Anna Maria Landscape and Tree Ordinance

Sec. 114-420. Plantings—Landscape and trees.

(a) *Purpose and intent.*

(1) This section shall be known and referred to as the "City of Anna Maria Landscape and Tree Ordinance."

(2) The purpose is to establish minimum landscaping standards and criteria to preserve and establish vegetative communities; to protect plant and wildlife habitats from adverse impacts of growth while contributing to the process of air purification, recharging groundwater, and the retarding of erosion by stormwater; to provide vegetative buffering between land uses; to promote the conservation of water by encouraging the preservation of existing and the planting of new Florida-Friendly vegetation; to promote the planting of Florida-Friendly vegetation; to promote the use of site-specific plant materials; and to establish requirements for the installation and maintenance of landscape materials. Such requirements will help delineate visual separation of land uses and provide relief from the built-up environment, while improving the value of property. The term "Florida-Friendly" in this ordinance refers to trees and shrubs listed in the Florida-Friendly Landscaping Plant Guide by the University of Florida IFUS Extension which can be found at www.ffl.ifus.ufl.edu.plants.

(b) *Applicability; exemptions.*

(1) The requirements under this section shall apply in all zoning districts to all new development, redevelopment or the expansion of existing uses where additions, improvements, or alterations to existing uses result in a total increase of all the structures on a lot or parcel in excess of 1,000 square feet of gross floor area or an increase in the non-permeable surface area of a lot or parcel in excess of 1,600 square feet within a 12-month period.

(2) The landscaping requirements and standards under this section shall be presented in a landscape plan submitted along with every building permit application meeting the criteria of section 114-420(b)(1) and every site plan application. The city is authorized to obtain a consultant to aid in the review and installation of the landscape material with said cost of the consultant being paid by the applicant.

(3) Installation of all landscaping required under this section shall be completed as a condition to the issuance of certificate of completion or certificate of occupancy.

(c) *Landscaping requirements for uses in the residential districts and for residential uses in ROR district, as described in subsection 114-420(b)(1).*

(1) On each platted lot or parcel, landscaping shall include at least five Florida-friendly trees with a minimum of three different tree species and at least nine Florida-friendly shrubs with a minimum of three different shrub species. Of the five Florida-friendly trees, it is recommended that at least one be a large tree (but this is not required), and three of them must be large or medium trees, and the remaining two trees can be any other Florida-friendly trees or palms.

(2) On each platted lot or parcel, if additional plantings are installed above the minimum, then a minimum of 75 percent of the total number of trees and shrubs installed must be Florida-friendly plants.

(3) A minimum of ten percent of the lot or parcel shall be landscaped with vegetation; provided, however, the portion of any lot or parcel that is unbuildable due to the location of dunes or beach terrain on that portion shall not be included in the calculation of the ten percent.

(d) *Landscaping requirements for uses in PRA, PSP and C-1 districts and commercial uses in ROR district, as described in subsection 114-420(b)(1).*

(1) A minimum of ten percent of the lot or parcel shall be landscaped with vegetation; provided, however, the portion of any lot or parcel that is unbuildable due to the location of dunes or beach terrain on that portion shall not be included in the calculation of the ten percent.

(2) On each platted lot or parcel, landscaping shall include at least five Florida-friendly trees with a minimum of three different tree species and at least nine Florida-friendly shrubs with a minimum of three different shrub species. Of the five Florida-friendly trees, it is recommended that at least one be a large tree (but this is not required), and three of them must be either large or medium trees, and the remaining two trees can be any other Florida-friendly trees or palms.

(3) On each platted lot or parcel, if additional plantings are installed above the minimum, then a minimum of 75 percent of the total number of trees and shrubs installed must be Florida-friendly plants.

(e) *Vegetation buffer requirements.*

(1) A strip of landscaping vegetation, called a "vegetation buffer" in this section, shall be required in C-1 or commercial uses in ROR where it abuts residential use in the residential districts with or without an intervening alley.

(2) Vegetative buffers shall be at least five feet high and five feet in depth and in addition to the landscaping material the buffer shall contain a six foot solid wood fence separating the use from the residential use.

(3) Each required vegetation buffer shall include at least one medium or large tree and five small trees or large shrubs for each 70 square feet of the required buffer area.

(4) Each required vegetative buffer shall include at least three different tree species and six different shrub species.

(5) Each required buffer shall be composed of a minimum of 75 percent Florida-friendly plants and trees.

(6) Each buffer must be maintained to encourage dense opacity for screening purposes.

(f) *Installation standards for plants required in vegetation buffers for C-1 and commercial uses in ROR.*

(1) The placement of plants need not be uniform.

(2) Medium and large trees installed in a vegetation buffer, and existing, preserved medium and large trees used to meet the requirements of this section, must be a minimum of seven feet in height. At the time of installation, nursery stock medium and large trees shall be in ten gallon or larger containers and nursery stock small trees and shrubs shall be in seven gallon or larger containers.

(3) All required vegetation shall be protected from vehicular encroachment.

(4) A completion of certificate or certificate of occupancy shall not be issued unless required vegetation buffers meet all the requirements.

(6) Existing preserved Florida-friendly plants shall be counted toward meeting the requirements of this section.

(g) *Tree and shrub removal and replacement on public land including public beach access rights-of-way.* Any Florida-friendly or exotic tree, with a four inches or greater caliper measurement taken at 4.5 feet above ground level that is removed from public lands within the city shall be replaced by the city with two Florida-friendly trees.. Any shrub over five feet in height that is removed from public lands within the city shall be replaced by the city with two Florida-friendly shrubs.. The replacement plants shall be located as close to the removal sites as practically possible. Replacements shall be installed within 60 days. The city shall have budgeted the funds for replacement prior to the removal of the trees and shrubs.

(h) *Grand trees.* The removal, relocation, destruction of any grand tree, defined as any tree with an 8-inch caliper or greater measured at breast height, 4.5 feet above ground level excluding ficus and Australian pine trees, is prohibited unless it can be demonstrated to the satisfaction of the city commission that the location of the grand tree renders the lot or parcel as non-buildable, the grand tree is a hazard or severely diseased, or denial of the removal of the grand tree will result in an extreme hardship for the property owner, as

determined by the city commission after a quasi-judicial hearing. See section 34-4 for additional regulations regarding grand trees.

(i) *Tree protection.* Florida-friendly trees under this section may not be removed unless a replacement Florida-friendly tree is installed on the same lot or parcel.

(j) *Prohibited plants.* Prohibited plant species, as listed and specified on the city prohibited plants list, shall not be permitted to be planted in the city. Such species are known to be of invasive exotic vegetation.

(k) *Irrigation.* Any new automatic irrigation system shall include a rain sensor device.

(l) *Barriers required.* During construction, protection barriers shall be placed to prevent the destruction or damaging of trees, such as an erosion control or silt fence. Trees destroyed or receiving major damage must be replaced on a two-to-one basis before a certificate of occupancy may can be issued.

(m) *Replacement of trees.* In all cases where it is required that any tree be replaced, such replacement shall be made with any Florida-friendly tree with a minimum of one and one-half inches at DBH by ten-foot in height when installed. Replacement stock which does not survive shall be replaced within six months.

(Ord. No. 96-549, § 1(3.09.10), 2-16-96; Ord. No. 09-700, § 3, 4-23-09; Ord. No. 14-766, § 3, 2-27-14; Ord. No. 18-838, § 2, 6-14-18; Ord. No. 18-842, § 1, 11-8-18)

Holmes Beach Tree Code

DIVISION 2 LANDSCAPING

8.1A Safety.

While the planting of non-native species of trees is strongly discouraged, and the planting of certain exotic species is prohibited by the state, the planting of Australian pine, Schefflera, Tree bamboo, Chinese tallow, Brazilian Pepper, Melaleuca, Ficus and Camphor under overhead power lines is prohibited. Before a property owner plants any species of tree under overhead power lines, the property owner is encouraged to contact Florida Power and Light to ensure that the proposed tree will require not more than minimal trimming in order to avoid power lines.

(Ord. No. 09-06, § 3, 11-10-09)

8.2 Purpose and intent.

The intent of this division is to provide for required landscaping in developments for the purposes of enhancing the appearance of the community, conserving energy through the cooling and shading effects of trees, reducing conflicts between adjoining land uses, promoting the safe and efficient use of vehicular use areas, mitigating nuisances such as noise, glare, heat, air pollution and stormwater runoff, and preserving the environmental and ecological benefit of existing native trees and vegetation.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.3 Minimum landscaping requirements for all development.

A. *R-1AA, R-1 and R-2 districts.* The minimum requirements in these residential districts are as follows:

1. *Number of trees.* Two indigenous trees (common to the area) per residential dwelling unit shall be planted, or existing trees may be used to fulfill this requirement, if they meet the other requirements of this section.
2. *Number of shrubs.* Six indigenous shrubs (common to the area) per residential dwelling unit shall be planted, or existing shrubs may be used to satisfy this requirement, if they meet the other requirements of this section.

B. *R-3, R-4, A-1, C-1, C-2, C-3 districts.* The minimum requirements in these districts are as follows:

1. A minimum of 15 percent of the property must be maintained as landscaped area.
2. The front yard setbacks shall include a ten-foot landscaped strip, which may be counted towards fulfilling the minimum 15 percent landscape requirement.

C. *Additional landscape requirements for oceanfront property.* The rear yards of oceanfront lots and parcels shall be landscaped with grass or ground cover and suitable salt tolerant plant materials, subject to approval by the building official.

D. *Preservation of native vegetation.* A minimum of 25 percent of native vegetation must be preserved in all new developments and redevelopments.

E. *Maintenance.* All landscaped areas shall be provided with a readily available water supply with at least one outlet located within 50 feet of all plant materials to be maintained. The owner or his agent shall be responsible for the maintenance of all landscaped areas which shall be maintained in a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

F. *Replacement.* Within 60 days of a determination and notification by the building official that a required plant or tree is dead or severely damaged or diseased, the plant or tree shall be replaced by the owner or developer in accordance with the standards required in this division.

G. *Minimum standards for vegetation and trees.* All landscaping required under the provisions of this LDC shall meet the following minimum requirements:

1. All plants shall be Florida Grade No. 1 or better in accordance with Grades and Standards for Nursery Plants (GSNP), published by the State Department of Agriculture and Consumer Services. Nursery stock shall be in accordance with minimum requirements of the American Standards for Nursery Stock (ASNS), published by the American Association of Nurserymen.

2. Plants shall be sound, healthy, vigorous, free from mutilation, plant diseases, insect pests or their eggs, and fungus, and shall have healthy, normal root systems. Plants shall be nursery-grown stock in containers or freshly dug, balled and burlapped.

3. Caliper measurement, height measurement, height relation to caliper, spread, bare root and ball dimensions, number of canes, types of vines and ground covers, etc., shall conform to the applicable standards given in the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc.

4. Trees shall be a minimum of one and one-half inch diameter at breast height by ten feet in height, installed. In case of palms, the height shall be six feet from the ground elevation to the base of the fronds. When palms are used in internal landscaped areas to meet the requirements of this chapter, three palms shall be used for each tree required.

5. Shrubs, when installed, shall be a minimum of 24 inches high for internal landscaped areas of parking areas, and for landscaped strips lying between parking areas, public rights-of-way, and private roads. Shrubs shall be a minimum of 36 inches high for buffers where a continuous hedge is required.

6. Vines shall be of a size reasonably expected to become a minimum of 30 inches high one year after planting.

H. *Consistency with Florida Yards and Neighborhoods Program.* Except for individual single-family and two-family properties, all landscaping associated with new development and redevelopment shall be consistent with the Florida Yards and Neighborhoods Program.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07; Ord. No. 09-06, § 8, 11-10-09; Ord. No. 10-06, § 9, 10-26-10)

8.4 Landscape requirements for development required to provide off-street parking.

A. *New off-street parking and other vehicular use areas.* The provisions of this section shall apply to all new off-street parking or other vehicular use areas. Vehicular use areas include all areas used for circulation, parking and/or display of any and all types of vehicles, boats or equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the primary use.

B. *Enlarged or expanded off-street parking and other vehicular use areas.* At such times as existing off-street parking or other vehicular use areas are enlarged or expanded, such provisions shall apply to the previously existing areas insofar as it is possible. The building official shall make a determination as to the extent of the applicability of these rules.

C. *Exemptions.* Parking for single- and two-family residential uses shall be exempted from the requirements of this section.

D. *Landscaping plan and plot plan required.* Prior to the issuance of any permit for development that requires parking under the provisions of this ordinance, a plot plan and landscaping plan shall be submitted to and approved by the building official.

1. *Exemptions.* Parking and vehicular use areas serving single-family and two-family dwelling units, and vehicular use areas located on, under or within buildings, shall not be required to submit a landscaping and plot plan.

2. *Required elements of plan.* The plan should be drawn to suitable scale and shall include all pertinent dimensions and indicate clearly by delineation the following:

a. The existing and proposed parking spaces or other vehicular use areas;

b. Access aisles and driveways;

c. Hydrants;

d. Source of water supply for planting;

e. Location and size of all landscape materials,

f. Existing trees;

g. Location of planting protective devices;

h. Location and size of any buildings or structures on the site;

i. The applicant shall designate planting by common and/or scientific name and shall locate the plant material to be installed or, if existing, to be used in accordance with the requirements hereof; and,

j. Plan materials used in conformance with provisions of this section shall conform to the minimum standards of Florida No. 1 as set forth in "Grades and Standards for Nursery Plants" part I and part II, State of Florida, Department of Agriculture [and Consumer Services], Tallahassee, Florida, or substantially equivalent thereto as approved by the building official.

E. *Types of landscaping.* Landscaping shall include any combination of the following: living material including without limitation grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable material commonly used in landscaping including without limitation rocks, pebbles, sand, walls or fences, but excluding paving.

F. *Required landscaping adjacent to public rights-of-way.*

1. On any parcel providing a vehicular use area of less than 1,500 square feet or five parking spaces, there shall be provided a landscape buffer at least five feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular area.

2. On any parcel providing a vehicular use area equal to or greater than 1,500 square feet or five parking spaces and less than 3,000 square feet or ten parking spaces there shall be provided a landscape buffer at least five feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular use area. Said landscape buffer shall include an average of one tree for each 50 linear feet or fraction thereof.

3. On any parcel providing a vehicular use area in excess of 3,000 square feet or ten or more parking spaces there shall be provided the following:

a. A landscape buffer at least five feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular use area. Said landscape buffer shall include an average of one tree for each 50 linear feet or fraction thereof.

b. In addition, a hedge, wall or other durable landscape area projected to be at least 80 percent opaque within two years after planting or at least two feet in height shall be placed along the entire length of such landscaped area.

(1) If such opaque durable barrier is of nonliving material, for each ten feet thereof an average of one shrub or vine shall be planted abutting such barrier. Such required shrubs or vines shall be planted along the street side or that side which is determined by the building official as being most in the public view.

c. The remainder of the landscaped areas covered in the landscape plan shall be landscaped with grass, ground cover, or other approved landscape treatment.

4. In vehicular use areas where the strict application of this section will seriously limit the use of said area, the dimensions of the required interior landscaping may be relocated near the perimeter of the paved area including such perimeters that may be adjacent to a building on the parcel.

5. Necessary access ways from the public right-of-way through all such landscape areas shall be permitted to service the parking or other vehicular use areas, and such accessways may be subtracted from the lineal dimensions used to determine the number of trees required.

6. Pedestrian or bicycle access in the form of a path from the public right-of-way through all such landscaped areas shall be encouraged by the building official to enhance nonmotorized transportation and such pedestrian or bicycle access may be subtracted from the linear dimensions used to determine the number of trees required.

G. *Required landscaping adjacent to interior property lines.*

1. On any parcel providing a vehicular use area of less than 1,500 square feet or less than five parking spaces there shall be provided landscaping between such area and any adjacent interior property lines as follows: a landscape buffer at least five feet in depth located between the abutting property line and off-street parking area or the vehicular use area.

2. On any parcel providing a vehicular use area of 1,500 square feet or more or five parking spaces or more but less than 3,000 square feet or less than ten parking spaces, there shall be provided landscaping between such area and any adjacent interior property line as follows:

a. A landscape buffer at least five feet in depth located between the abutting property line and the vehicular use area.

b. In addition, an average of one tree shall be planted within the five-foot landscape buffer for each 50 linear feet of such interior property line or fractional part thereof. Such trees shall be located between the common property line and the vehicular use area.

3. On any parcel providing a vehicular use area of 3,000 square feet or more or ten parking spaces or more, there shall be provided landscaping between such area and any adjacent interior property lines as follows:

a. A landscape buffer at least five feet in depth located between the abutting property line and the off-street parking area or other vehicular use area.

b. Said buffer shall be landscaped to include an average of one tree for each 50 linear feet of such interior property line or fraction thereof

c. In addition, a hedge, wall or other durable landscape area projected to be at least 80 percent opaque within two years after planting, or at least two feet in height, shall be placed along the entire length of such landscaped area.

(1) If such opaque durable barrier is of nonliving material, for each ten feet thereof an average of one shrub or vine shall be planted abutting such barrier.

(2) Such required shrubs or vines shall be planted along the street side or that side which is determined by the building official as being most in the public view.

d. The remainder of the landscaped areas covered in the plan shall be landscaped with grass, ground cover or other approved landscape treatment.

4. *Shared parking areas.* Where abutting properties desire to share their parking areas, the landscape buffering requirements between the two properties may be eliminated, provided that the gross area of landscaping which has been eliminated is placed elsewhere in the parking areas, so that the total amount of landscaped area will be equivalent.

5. *Exceptions.* In vehicular use areas where the strict application of this section will seriously limit the use of said area, the dimensions of the required interior landscaping may be relocated near the perimeter of the paved area including such perimeters which may be adjacent to a building on the parcel.

H. *Cross visibility.*

1. When a driveway intersects a street or when the property abuts the intersection of two or more streets, all landscaping in the triangular area described below shall provide unobstructed cross visibility at a level between two and ten feet; provided, however, that:

a. Trees having limbs and foliage shall be trimmed in such a manner that no limbs or foliage extend into the cross visibility area and the trees shall be located so as not to create a traffic hazard.

b. Landscaping, except required grass or ground cover, shall not be located closer than two feet from the edge of any driveway.

2. The triangular areas above referred to are:

a. The areas of property on both sides of a driveway formed by the intersection of each side of the driveway and street line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.

b. The area of property located at a corner formed by the intersection of two or more streets with two sides of the triangular area being 25 feet in length along the abutting street line, measured from their points of intersection, the third being a line connecting the ends of the other two lines.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.5 Screening.

A. *General findings.*

1. Screening between two lots or parcels diminishes the transmission of noise, dust, and glare between the adjoining properties.

2. Screening can lessen the visual pollution that may otherwise occur. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield one use from the visual assault of an adjacent use.

3. Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.

4. Screening shall be used to minimize incompatibility when residential and commercial land uses share a common boundary or when there is a change of use or increase in intensity of use.

5. The provisions of this section are necessary to safeguard the public health, safety and welfare, as well as aid in compliance with the comprehensive plan.

B. *General screening standard.* Each new development and redevelopment shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of a particular development and it is shielded from the negative impacts of adjacent uses.

C. *Description of screens.* The following three basic types of screen are hereby established:

1. *Opaque screening, type A.* A screen that is opaque from the ground to a height of at least six feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. An opaque screen composed of a wall, fence (excluding chain link or wire), and landscaped earth berm, planted vegetation, or existing vegetation. Planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or actual observation of existing vegetation. The opaque screen must be opaque in all seasons of the year.

2. *Semiopaque screen, type B.* A screen that is opaque from the ground to a height of three feet, with intermittent visual obstructions from the opaque portion to a height of at least six feet. The semiopaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semiopaque screen may be composed of a wall, fence (excluding chain link or wire), landscaped earth berm, planted vegetation or existing vegetation and may contain deciduous plants. Planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or actual observation of existing vegetation.

3. *Broken screen, type C.* A screen composed of intermittent visual obstructions from the ground to a height of at least three feet. A broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence (excluding chain link or wire), landscaped earth berm, planted vegetation, or existing vegetation. Planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or actual observation of existing vegetation. A broken screen may contain deciduous plants.

D. *Specific land use requirements.* The foregoing types of screening shall be applied between different specific land uses as follows:

1. Commercial adjacent to multiple-family residential, type A.

2. Commercial adjacent to single- or two-family residential, type A.

3. Multiple-family residential adjacent to single-family or two-family residential, type B.

4. Commercial adjacent to conservation, type A.

5. Multiple-family residential adjacent to conservation, type B.

6. Commercial adjacent to preservation, type B.

Notwithstanding any other provisions contained in this ordinance, for the purpose of this section, a hotel, motel or time-sharing use will be treated as a commercial use.

E. *Administration.* The city recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore:

1. *Standards are guidelines.* The standards set forth in this section are guidelines and the building official may recommend, in conjunction with the site plan review process or other development approval process, and the commission may require, more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the purposes of this ordinance.

2. *Responsibilities of new development.* When a new development or redevelopment abuts an existing development that does not have conforming screening, it is the responsibility of the new development to provide the appropriate screening.

3. *Burden is on most intensive use.* It is the intent of these requirements that the burden of screening will be placed on the most intensive use.

F. *Native vegetation preferred.* The use of existing native vegetation as screening is preferred. If a developer proposes to satisfy the screening requirements with existing native vegetation, the building official may recommend and the commission may allow a deviation from the requirements of this section if such deviation is necessary to prevent harm to or destruction of native vegetation and the buffering and/or the aesthetic purposes of the screening are substantially fulfilled.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

DIVISION 3 TREE PROTECTION

8.6 Purpose and intent.

The removal of trees impairs benefits to existing property owners and property owners in the surrounding area, impairs economic stability and the value of improved and unimproved real property, increases adverse impacts on the environment, and causes increased surface drainage and soil erosion causing increased public costs. It is the intent and purpose of this section to protect this beneficial public resource and to control the removal of trees in the city, consistent with the economic enjoyment of private property, and in the interest of the public health, safety and welfare.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.7 Exempt species of trees.

The following species of trees are specifically exempt from the terms and provisions of this section:

A. Broussonetia papyrifera (paper mulberry)

B. Casuarinaceae (Australian pine)

C. Schinus terebinthifolius (Brazilian pepper)

D. Melaleuca leveadendra (punk)

E. Enterolobiom cyclocarpum (ear)

F. Melia azedarach (chinaberry)

G. Serrenoa repens (scrub palmetto)

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.8. Exemptions from permit requirements.

A. Single-family dwelling on a lot of record.

B. The trimming of trees and shrubbery, including, without limitation, native vegetation, as normal maintenance, provided such trimming does not result in the mutilation, death or destruction of the trees or shrubbery. However, the trimming of mangroves must conform to all requirements of the rules and regulations of the State of Florida.

C. All trees and shrubbery that are grown by a licensed plant or tree nursery or tree farm provided such trees and shrubs are planted and grown on the licensee's property for purposes of resale.

D. During or following severe weather conditions of high winds, hurricanes, floods, freezes, accidents or other disasters, all trees and shrubbery which have been destroyed or harmed as a result thereof are exempt from the provisions of this section for a period of 30 days following such disaster, provided the building official or his designee, or such other person as may be designated by city commission, is provided with written notice of the intended removal, replacement or relocation at least three business days prior to the proposed removal, replacement or relocation. The building official or designee shall confirm or deny the request within the three-day period, and in the event he fails to act, the request shall be considered granted. There shall be no fee for this inspection and review.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.9 Permit requirements.

A. The provisions of this section are not to be interpreted to prohibit or unduly inhibit the development of private property or to prevent the normal maintenance or care of one's property. Permits will be authorized to remove trees and shrubbery that directly interfere with the construction of a building or structure, driveway, sidewalk, drainage ditch, above- and below- ground utility services and approved streets and alleys only when the plans for the construction cannot be altered or changed to prevent the removal of trees without undue hardship or unreasonable cost to the owner. Species of plant life listed in the coastal and conservation element of the comprehensive plan as endangered, threatened or species of special concern shall be protected. Permits for their removal shall only be granted on a showing of overriding public interest as defined in section 1.4 of article I. Where possible, removal of the plant life shall be mitigated by relocating the plants elsewhere on the site or by replacing with comparable plants elsewhere on the site.

B. The building official shall issue tree and shrubbery removal permits as allowed and authorized by this section.

C. As part of the site plan approval, the developer shall submit a landscape plan simultaneous with any building permit application submitted for review by the building official. A sketch or plot plan of the landscape plan may be submitted at the discretion of the building official.

D. Any decision of the building official regarding the provisions of this section may be appealed, by the owner of the property involved, to the city commission.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.10 Construction requirements.

A. Prior to the removal of trees or shrubbery authorized by a tree and shrubbery removal permit and during land clearing, the owner, developer or contractor shall preserve all other trees and shrubbery and shall, as needed, erect barriers for the protection of the trees to be preserved. Barriers shall be constructed to prevent the placement or movement of equipment, materials, debris, and fill in such a manner as to damage, injure or destroy the trees to be preserved or the shrubbery elected to be preserved.

B. During the construction stage of development, the developer shall not cause or allow the cleaning of equipment or material or the storage or dumping of any material within the outside perimeter of the crown of any tree or group of trees or shrubbery being preserved. No attachment, wires other than supportive wires for a tree, signs or permits may be fastened to any tree required by these regulations.

C. The clearing of trees and wetland vegetation subject to regulation by federal, state or regional agencies is prohibited unless appropriate permits are obtained from the authorized agency.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

8.11 Enforcement.

The mayor shall have the power to enforce the provisions of this section [division] by injunction or other appropriate judicial writ or proceeding, notwithstanding the fact that a violation of the provisions herein shall constitute a misdemeanor. The building official shall be charged with the general responsibility for enforcement of this section [division] and shall require an accurate plot plan of any building site, showing location, size and type of all trees and shrubbery located on the site, prior to granting any permit for removal.

(Ord. No. 07-04, § 2(Exh. A), 3-27-07)

Manatee County Tree Protection Ordinance

PART I. TREE PROTECTION, LANDSCAPING, BUFFERS, AND IRRIGATION.

Section 700. Tree Protection.

700.1. Purpose and Intent.

It is the intent of this Section to regulate the removal, replacement, or relocation of trees within the County in order to preserve, protect and enhance valuable natural resources. By limiting the removal of existing trees, the need for open space irrigation will be reduced. Existing environmentally suitable native vegetation, plant communities shall be protected and incorporated into the site plan, wherever feasible.

700.2. Application.

A. **Generally.** No person may remove, relocate, or otherwise destroy any tree or cause, allow, authorize, or assist in the removal, relocation or destruction of same without first obtaining a tree removal permit from the Department Director. The application shall be reviewed by the Department Director.

B. **Exempted Activities.**

1. *Single Family.* Trees located on any single family, mobile home subdivision, mobile home park, or duplex lot shall be exempt. This does not include any areas of common ownership within parks or subdivisions.

2. *Trees on Agricultural or Mining Property.* Any tree located on land zoned and utilized for agricultural or mining purposes, provided the removal, replacement, relocation, or destruction solely occurs in conjunction with the use of the premises for agricultural or mining purposes and does not occur in anticipation of development. All such clearing is subject to County, State and Local rules, protecting wetlands and other restricted habitat.

3. *Trees in Approved Developments.* Any trees which are located in a subdivision, development, or other project which has received County approval, provided that the removal, replacement, relocation or destruction of trees are specifically shown on the subdivision, development, or project plan approval, and provided that such plans have been reviewed and approved by the Department Director.

4. *Trees on Commercial Horticultural Premises.* All trees and plants which are grown by a licensed plant or tree nursery or tree farm, provided that such trees and plants are planted and grown on the licensee's premises for the sale or intended sale to the general public in the ordinary course of business.

5. *Trees Damaged by Natural Calamities.* All trees which have been destroyed or substantially damaged by hurricane or other natural calamity or Act of God. The tree must be so damaged that it would require unreasonable costs to save it, or would be a hazard to human life or property.

6. *Septic Fields.* Area for septic fields required by the Florida Department of Health - Manatee County.

7. *Trees within the Rights-of-Way.* Trees within the rights-of-way for the purpose of improvements, roadway widening, sidewalks and utility installations.

8. *Unprotected Species.* The prohibition in paragraph 700.2.A, above, shall not apply to the following unprotected species, and their removal from the site is encouraged. See also 701.4.E. However, if such

species were originally installed as part of the required landscaping for a project, such trees may not be removed without a tree removal permit. The fee for this permit shall not apply to these cases.

a. Broussonetia Papyrifera (Paper Mulberry);

b. Casuarianaceae (Australian Pine);

c. Enterolobiom cyclocarpum (Ear Tree);

d. Melaleuca Leueadendra (Punk);

e. Melia Azedarach (Chinaberry Tree);

f. Schinus Terebinthinfolius (Brazilian Pepper);

g. Rutaceae, Citrus (Citrus Tree);

h. Cinnamomum camphora (Camphor Tree);

i. Cupaniopsis anacardioides (Carrotwood);

j. Ficus microcarpa (Laurel fig);

k. Mimosa pigra (Catclaw Mimosa);

l. Sapium sebiferum (Chinese Tallow Tree);

m. Dalbergia sissoo (Indian Rosewood).

9. *Normal Maintenance of Required Trees.* Maintenance and pruning of required canopy or understory trees is allowed in order to remove diseased or dead wood, remove hazardous limbs, remove or trim limbs that would obstruct vehicular movement, utility lines, or pedestrian traffic, remove double leaders or crossing limbs, or maintain or correct the size of the tree. Trimming to provide proper clearance from overhead utility lines shall be allowed; however, it shall not be allowed to significantly alter the natural form of the tree. Pruning that grossly alters the natural characteristic form of that species is not permitted, (e.g. topiary sculptures or "lollipop" shapes).

10. *Degenerative Disease.* Removal of trees with terminal degenerative diseases shall be exempt from Section 700.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19)

700.3. Procedure.

A. **Submission of Application.** A person desiring a tree removal permit shall submit a written application to the Department Director. The application shall include the following information:

1. *Site Plan.* An overall site plan including the approximate shape and dimensions of the lot or parcel of land, together with existing and proposed driveways, structures and improvements.

2. *Required Generalized Tree Inventory.* Each application for a tree removal permit shall be accompanied by a generalized tree and vegetation inventory showing the approximate location and extent of vegetation and trees upon the site shall be provided no later than preliminary or final site plan (when a preliminary is not required). The inventory shall be based upon the most current available information. For non-residential and multi-family development, the inventory may be in the form of an aerial or a

field survey, and shall be accompanied by photographs illustrating typical areas of trees. The generalized tree and vegetation inventory shall be prepared at the same scale as the site development plans or in some other manner which clearly illustrates the relationships between the areas of trees and the proposed site improvements. This inventory shall also include specifications regarding both the common and botanical names of all protected species.

3. *Location of Trees to be Removed.* The location of all trees which are proposed to be removed, replaced, or relocated including the limits of clearing. Subject to the Department Director's approval, the limits of clearing shall generally include:

   a. *Streets.* Street Construction and necessary slope construction.

   b. *Easements.* Public service or utility easements and rights-of-way. This shall include area of utility line installation with any construction easements necessary for such installation and easements for maintenance access. These easements shall not be cleared prior to actual line installation.

   c. *Building Area.* Building roof coverage and ancillary structure such as patios and porches plus twenty-five (25) feet on all sides for construction activity.

   d. *Circulation, Recreation Areas.* Driveways, walkways, parking lots, and other land area necessary to the installation of the proposed development or use. Other necessary land area may include area for gardens, tennis courts, swimming pools, and lawn areas and other related structures or uses.

   e. *Septic Fields.* Area for septic fields as required by the Florida Department of Health in Manatee County.

   f. *Sediment Basins.* Only those trees within the area necessary for construction of the sediment basin, the area in which sediment will collect, and the area necessary for construction and maintenance of the basin shall be cleared of trees. Configuration of the basin shall utilize natural terrain as much as possible to minimize tree removal.

   g. *Detention and Retention Basin.* Only those trees within the area necessary for construction of the detention pond and the area necessary for construction and maintenance of the pond shall utilize natural terrain as much as possible to minimize tree removal.

   h. *Visibility Triangle.* See Section 1002.

4. *Protective Measures.* A statement explaining how any trees proposed for relocation and replanting as part of a development will be protected during the construction of the development. A plan detail indicating the location of protective barriers around trees to be protected shall also be provided.

B. **Separate Tree Removal Permit Required.** When tree removal is occasioned by any proposed development that requires a site plan, preliminary subdivision plat, or final subdivision plat, the approved plan or plat shall constitute a tree removal permit. In all other cases, the application for a tree removal permit shall be on a form provided by the Department Director.

C. **Review of Application.** Upon receipt of the complete permit application, the Department Director shall review the application and visit the site of the proposed development. Within a reasonable period of time, the Department Director shall either approve or deny the application, and shall furnish the applicant a written statement of the reasons for any denial. Where tree removal is considered in conjunction with site plan or subdivision plat review, the Department Director shall forward a copy of the written statement to the

appropriate decision-making body with the application for subdivision or conditional use approval and any other relevant materials.

D. **Tree Replacement Funds.** Any payments collected under Section 700.3.I shall be deposited into the Tree Protection Trust Fund and are expressly designated for the replacement of trees or those incidental materials, i.e. mulch, irrigation mechanisms, required for those items to be planted. These funds shall not however be used for the support of existing trees. The application shall be accompanied by a tree removal permit fee in an amount to be prescribed by the Board.

E. **Trust Fund.** There is hereby created a Tree Protection Trust Fund for the purpose of insuring that the funds collected pursuant to this Section are utilized as provided in Section 700.3.D, Tree Replacement Funds.

F. **Expenditure.** Any funds not expended or encumbered for planning, acquisition or planting by the end of the calendar quarter immediately following seven (7) years from the date of payment, shall be returned to the fee payer with interest at the passbook savings rate.

G. **Extension.** The Board may by resolution, extend the date by which funds must be refunded by up to three (3) years. Such an extension shall be made upon a finding that within three (3) years, the planned replacement activities will be completed.

H. **Standards.** The Department Director shall not approve a tree removal permit application unless the plan will destroy no more existing trees than is reasonably necessary to achieve the proposed development. The Department Director shall consider in this regard:

1. *Necessity.* The extent to which the actual or intended use of the property is in accordance with the regulations of the zoning district in which the property is located and requires the destruction of trees.
2. *Outstanding Quality of Tree or Plant Communities.* The desirability of preserving a tree or plant community by reason of its size, age, or some other outstanding quality, such as uniqueness, habitat importance, rarity or status as a landmark or species specimen.
3. *Environmental Effects.* The extent to which the area would be subject to increased water runoff and other environmental degradation due to the removal of the trees.
4. *Development Density.* The desirability of preserving tree cover and associated vegetation in densely developed areas.
5. *Grade Changes.* The effect that changes in the natural grade will have on the remaining trees and vegetation.
6. *Signage.* The visibility of an existing or proposed sign shall not serve as a reason for approval of a tree removal permit.

I. **Tree Replacement Alternatives.** The Department Director shall condition a tree removal permit for all projects upon the replacement of the removed trees at a one-to-one ratio. Cash payment to Manatee County may be made in lieu of replacement. The Department Director may accept a combination of either of the above methods for compliance with this Section.

1. The Department Director shall also have the option of considering replacement of the trees on adjacent sites, if there is no reasonable replacement alternative on-site and the adjacent site is of sufficient size to support the placement of such trees. If such an alternative is chosen, the applicant must provide a landscaping plan for the replacement trees as well as a written maintenance agreement for the trees. All trees planted off-site shall be at least Florida Quality No. 1 nursery stock. If the

adjacent site is single-owner occupied, then it shall be the responsibility of that owner to maintain all of the replacement trees in perpetuity and replace any trees that succumb to disease or death. If the adjacent site is the property of a homeowner's association or other group ownership, the association or group shall maintain all replacement trees in perpetuity and replace any trees that succumb to disease or death.

2. In recognition of overall tree canopy, an alternative method of tree mitigation may be considered by the Department Director, if it is demonstrated that the lost canopy will be replaced within ten (10) years. This alternative shall require a greater quantity of replacement trees while allowing smaller replacement sizes.

3. The Department Director shall reserve the right to increase the size of the replacement tree under unusual circumstances, such as age of tree, type of tree, rarity and historical significance, or the removal of a tree without a permit.

4. When trees are to be replaced on individual residential or nonresidential lots within a subdivision, the Department Director may condition the approval of any preliminary plat to allow for replacement at the time of construction on each lot. The placement of trees on an individual lot shall be a prerequisite for an occupancy permit. Notice of replacement trees on each lot must be placed within the homeowner's documents or association documents approved with each final plat. Within this notice the developer shall state that the replacement trees may not be removed unless diseased or dead, in which case, they must be replaced with the same size and type of tree as originally planted on the lot.

5. Approval of replacement trees to meet the Residential Street Tree requirements of Section 701.6 shall be dependent upon the site design, lot size, existing trees and building envelopes to determine whether the trees will have sufficient room to thrive. The majority of replacement trees within such projects shall be located within common areas within the project such as greenbelts, roadway buffers and screening buffers. The Department Director shall have the authority to approve an alternative replacement method.

6. When cash in lieu payments are made, the amount of cash payments will be in the manner established by the Board and shall include all material and labor costs, as well as those costs associated with the administration of this program. Payment for Tree Replacement shall be paid prior to the issuance of any Building Permits for the project. Utilization of the cash-in-lieu funds shall be determined by the Board for amounts greater than five thousand dollars ($5,000.00) or the Department Director for amounts of less than five thousand dollars ($5,000.00). The funds shall be used for landscaping in affordable housing projects (meeting the criteria of Section 545), county park projects, street and entranceway beautification programs, and other public projects.

7. When trees are removed with an approved tree removal permit, such trees shall be replaced as follows:

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4"—15" D.B.H.	3"	1:1
16"—30" D.B.H.	4"	2:1
Over 30" D.B.H.	4"	3:1

8. All replacement trees shall be at least Florida Quality No. 1 nursery stock.

9. In order to help preserve significant trees (twenty-six (26) inches dbh or greater), an applicant may be given credit towards fulfilling the tree portion of screening, buffering and parking lot landscaping requirements. All such trees shall be in good health. Those trees between twenty-six (26) and thirty-five (35) inches dbh, shall equal three (3) required trees; over thirty-six (36) inches dbh shall equal five (5) required trees. A condition of use of this incentive is total protection of the tree during construction. Should the tree die as a result of construction practices or post-construction stress, as determined by the Department Director, the replacement trees shall be planted or assurances are made for future planting at the appropriate time, within thirty (30) days of the determination of the death of the tree.

J. **Identification of Preserved Trees.** Upon approval of a tree removal permit, the location and species or common name of individual trees to be preserved, shall be entered upon the Final Site Plan, Final Development Plan or Preliminary Subdivision Plat. The applicant shall also identify and conspicuously mark any such tree or plant groups to be preserved.

K. **Protection During Development.** During any land development activity, protective measures shall be taken throughout the entire construction stage to prevent the destruction or damage of all trees to be retained on the site. Specific protective measures shall be outlined by the applicant in writing and to accompany the permit application.

L. **Time Period of Permits.** Tree removal permits shall continue in force for the same period of time as the development order approval, and shall be subject to the same extension privileges.

M. **Building Permits.** Building Permits do not authorize the removal of trees unless specifically approved as such by the Department Director. When a tree removal permit is required, a Building Permit shall not be issued until a tree removal permit is issued, or prior tree removal approval has been granted as part of a development order.

N. **Violations.** In addition to any penalties which may be imposed by Chapter 1, any tree removed, relocated, or damaged in violation of this Section shall be replaced with trees of comparable characteristics. Each removal of a tree shall be deemed a separate offense. The Department Director shall determine the location and number of such replacement trees which will immediately achieve a shade area comparable to that which existed prior to the violation. No Certificate of Occupancy shall be issued until complete replacement occurs. In no instance shall replacement trees be smaller than the minimum requirements set out in Section 700.3.I.7, nor shall the replacement of such trees exempt the violator from the provisions of Section 106: Enforcement, Violations and Penalties.

(Ord. No. 15-05, § 3(Exh. A), 1-8-15; Ord. No. 15-29, § 3(Exh. A), 12-3-15; Ord. No. 19-03, § 3(Exh. A-7), 3-21-19)

Section 701. Landscaping and Screening Standards.

701.1. Purpose and Intent.

The requirements established herein for the installation and maintenance of landscaping and screening are deemed necessary by Manatee County to protect and enhance the community's environmental, economic and aesthetic quality, thereby contributing to the overall objective of promoting the public health, safety and general welfare. More specifically, it is the purpose of this Section:

A. To promote the conservation of potable and non-potable water;

B. To aid in stabilizing the environment's ecological balance;

C. To reduce noise, glare, heat and dust;

D. To protect, conserve and improve the appearance of property;

E. To promote energy conservation and personal comfort;

F. To enhance community appearance, identity and unique natural beauty;

G. To create visual interest, variety and harmony, and provide contrast and relief from the built-up environment;

H. To reduce visual and functional conflicts between land uses and activity areas; and

I. To establish the minimum landscaping and screening standards and criteria that are necessary to achieve the desired quality of life described by the purposes set forth above.

701.2. Exemptions.

These requirements shall apply to all new development or the expansion of existing development except for the following:

A. Single-family and duplex dwellings on individual lots, except as provided in Section 701.6. for individual lots within residential developments approved after October 15, 1990; and

B. Developments having been issued a final development order prior to the effective date of this Ordinance.

(Ord. No. 24-64, § 3(Exh. A), 11-7-24)

701.3. Minimum Required Landscaping.

A. **Vehicle Use Areas.**

1. A vehicle use area is any portion of a development site used for circulation, parking and/or display of motorized vehicles, except junk or automobile salvage yards.

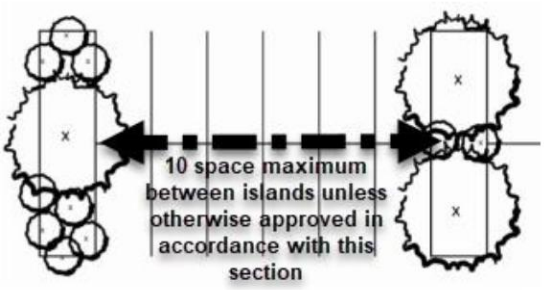
2. All vehicle use areas containing more than two thousand (2,000) square feet shall be landscaped in accord with Figure 7-1, which requires three hundred and sixty (360) square feet of planting area, including four (4) canopy trees and twenty (20) shrubs per twenty (20) parking spaces. If one (1) gallon shrubs are used within the landscape islands, forty (40) shrubs shall be required. Tree and shrub sizes shall be in accordance with Section 701.4.B.

3. For vehicle use areas serving large vehicles requiring additional maneuvering room, such as truck stops, and motor freight terminals, up to fifty (50) percent of required vehicle use area landscaping may be transferred and added to the perimeter buffer or roadway buffer.

4. No more than ten (10) consecutive parking spaces shall be allowed without an interior landscape island, except that the Department Director, or designee, may approve up to a maximum of fifteen (15) consecutive parking spaces upon demonstration that an alternative design will achieve equal canopy

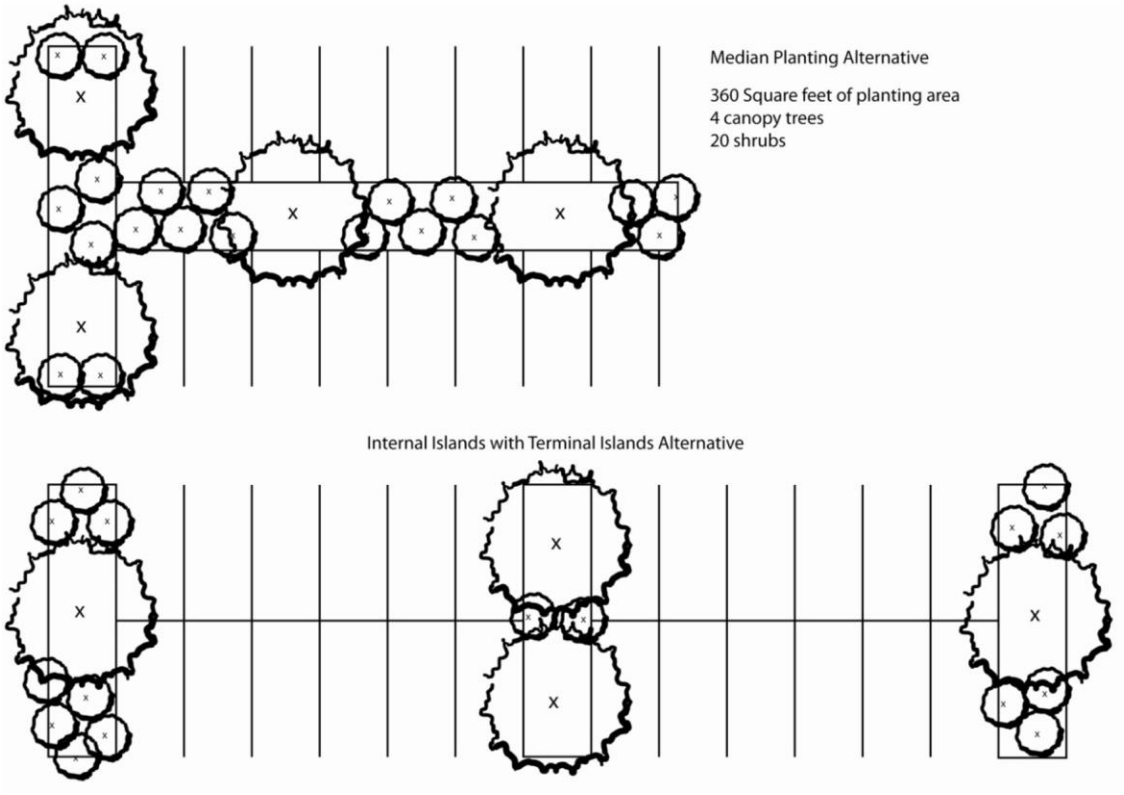
coverage within five (5) years, and where the overall design of the vehicle use area landscaping is consistent with the purposes of this section.

Maximum Spaces Between Islands



5. The front of a vehicle may encroach upon any interior landscaped area or walkway when said area is at least eight (8) feet in depth, not including curbing, per abutting parking space and protected by curbing. No tree or shrub of more than two (2) feet in height shall be located within two (2) feet of the edge of the landscape area.
6. If a Sign View Area is shown on the landscape plan, the developer will have the choice of either replacing the canopy trees with understory trees within the View Area or moving the trees to another location within the site. A Sign View Area shall be defined as those areas to be left within the sight lines of either free-standing or wall signs by the travelling public on adjacent streets. No more than thirty (30) percent of required trees may be switched to understory trees as a result of this provision. Understory trees must be provided at a ratio of 1.5 to 1 if used to replace canopy trees.
7. Where vehicle use areas abut the roadway, the roadway buffer may serve as the vehicle use area buffer. However, where the vehicle use area does not abut a roadway, the perimeter landscaping requirements shall be a minimum width of eight (8) feet containing one (1) canopy tree meeting the minimum requirements of Section 701.8.B per forty (40) feet or substantial fraction thereof, and either shrubs, hedges, berming or fences or any combination thereof, to reach a height of forty-two (42) inches, two (2) years after installation, and being eighty (80) percent opaque.

Figure 7-1: Vehicle Use Area Landscaping



Both options utilize the same requirements

(Ord. No. 15-05, § 4(Exh. B), 1-8-15; Ord. No. 15-29, § 3(Exh. A), 12-3-15; Ord. No. 16-06, § 3(Exh. A-5), 11-15-16; Ord. No. 16-24, § 3(Exh. A-7), 11-15-16; Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 23-65, § 3(Exh. A), 4-27-23; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

701.4. Buffer Zones.

A. **Purpose.**

1. Buffer Zones are landscaped strips along parcel boundaries.
2. Buffer Zones serve to separate incompatible uses and/or create attractive boundaries.
   - Widths and degrees of vegetation depend on relationship between uses.
   - Standards are per one hundred (100) linear feet.
   - Plant materials are to be spread relatively evenly throughout the buffer.
   - See Figure 7-3 for required amounts of landscaping.

- See Figure 7-3 for landscaping alternatives.

B. **Buffer Standards**

1. *Industrial Adjacent to Residential.* Buffer zones for proposed industrial uses adjacent to residential uses/zoning shall use Figure 7-3 Buffer Option E, unless otherwise approved with Planned Development Specific Approval.

2. *Roadway Buffers.* Required for multi-family and non-residential projects along all roadways. Required for single-family projects abutting thoroughfares only. See Section 902.7.C (Exterior Buffer Zones) for developments along urban corridors.

    i. Reverse frontage lots shall be provided adjacent to major thoroughfares. A twenty (20) foot wide buffer shall be provided along rear property lines abutting right-of-way. Additional lot depth of twenty (20) feet shall be provided to accommodate such buffer when adjacent to collectors, arterials or other thoroughfares.

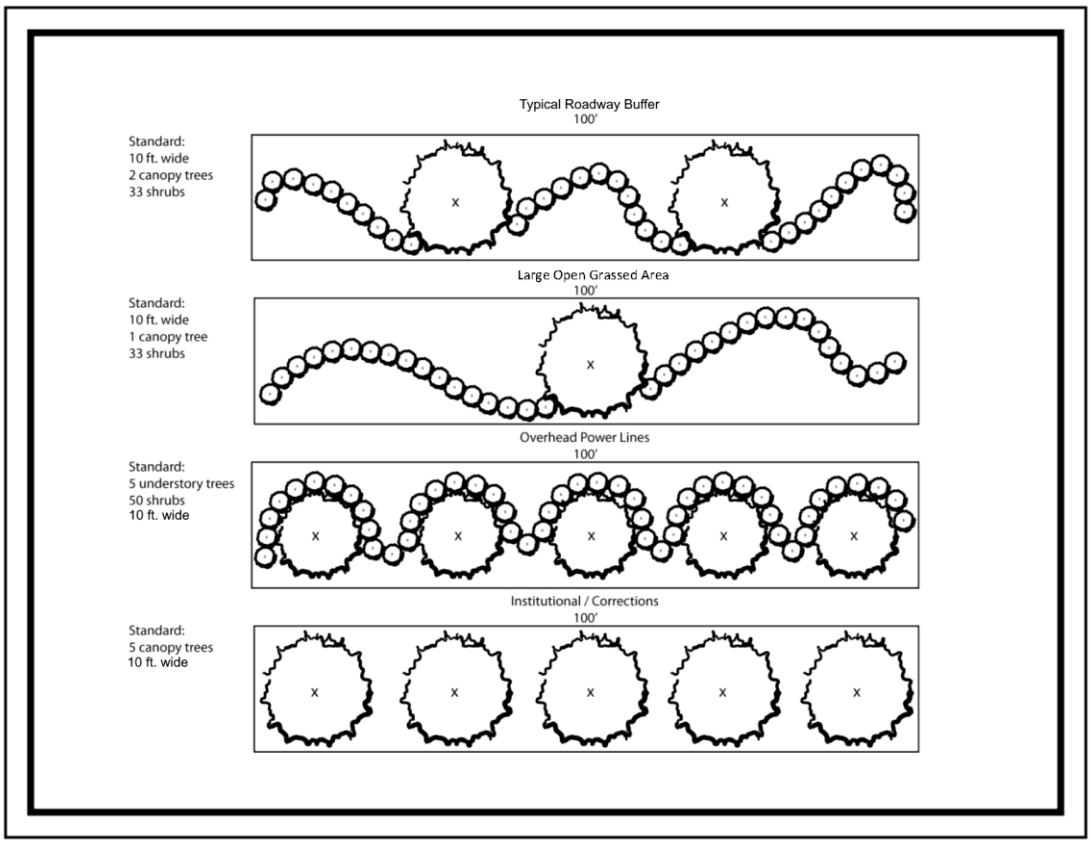
        (a) See Figure 7-2 for requirements.

        (b) If fences are used, required landscaping shall be located on the exterior, facing the roadway, or adjacent property.

        (c) For hedges within roadway buffers, the shrubs shall reach a height of three (3) feet within two (2) years.

        (d) For roadway buffers that contain overhead power lines, the requirement for canopy trees may be reduced to allow understory trees as shown in Figure 7-2.

Figure 7-2: Roadway Buffer Options per 100 Feet



3. *Screening Buffers.*

   i. Screening buffers are required between zoning district boundaries.

   ii. The width of the buffer shall be as defined in the Buffer Matrix, Figure 7-4.

   iii. Decorative, opaque fences shall be considered:

   - Concrete Aggregate;
   - Stucco;
   - Finish (either colored or painted);
   - Brick;
   - Stone;
   - Glass Block; or
   - Wood.

No chain link shall be allowed. (The exception is chain link with slats shall be allowed for the gates of dumpster enclosures.)

iv. Concrete masonry shall be allowed only if split face design.

v. Structurally safe, durable and attractive.

vi. A minimum of six (6) feet in height.

vii. For hedges used within screening buffer zones, the plant materials used shall reach a minimum height of six (6) feet within three (3) years of planting.

4. *Residential Greenbelts.*

i. For all residential projects, a fifteen (15) foot wide perimeter greenbelt buffer shall be required. Streets and utilities providing interneighborhood ties may be permitted to pass through greenbelt buffer areas. Should such greenbelts be located adjacent to single family lots, such lots may not be platted through the greenbelt. In projects consisting entirely of fifteen (15) or less single family lots, greenbelt buffers shall be reduced in width to ten (10) feet.

Exemptions:

- For new residential subdivisions located in the A or A-1 zoning districts, no greenbelt shall be required, unless designed as a cluster development per Sections 800.11 and 800.12.
- For lot splits inside or out of a subdivision, resulting in the creation of one additional lot, no greenbelt shall be required.
- For replattinq of existing lots if the total number of lots either remains the same or is reduced, no greenbelt shall be required.

ii. The greenbelt buffer shall be planted with a minimum of one (1) canopy tree planted every thirty (30) feet on center for the length of the perimeter of the project.

iii. For new residential projects abutting non-recreational, non-residential uses, the greenbelt buffer shall also meet the screening buffer requirements that may include either a hedge, fence or wall.

iv. All landscaping shall be installed prior to final plat approval, unless performance security is posted guaranteeing the landscaping will installed prior to the first Certificate of Occupancy.

v. Irrigation shall be provided as required pursuant to this Code and installed prior to issuance of the first Certificate of Occupancy of the project.

Figure 7-3: Screening Buffer Options per 100 Feet

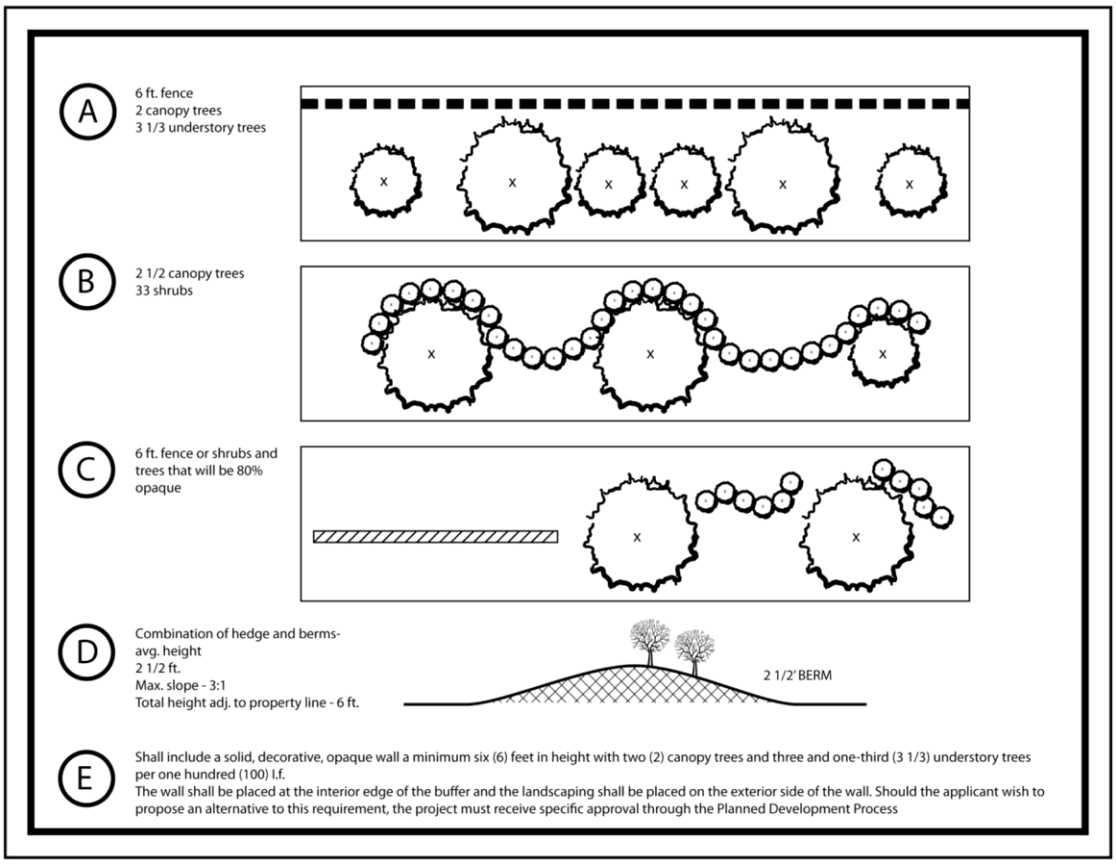


Figure 7-4: Buffer Screening Matrix; Width of Buffer Required (In Feet)

Abutting Use/or Zoning Width of Buffer Required (in Feet)														
Proposed Use	Res. Excl.	Multi-	Res. Sup.	Community	Retail Com.	Service	Misc. Service	Service	Industrial	Misc. Uses	Rec. Uses	Trans.	Warehous	Intensive
Res. Excl. M.F.	0	10	10	10	15	10	15	15	20	15	10	20	20	15
Multi-Family	10	0	5	10	15	10	10	10	20	10	10	20	15	10
Res. Sup. Uses	10	5	0	5	10	5	5	5	10	10	5	15	15	10
Community Ser. Uses	10	10	5	0	5	5	5	5	10	5	5	10	10	10
Retail Commercial	15	15	10	5	0	5	5	5	10	5	5	10	5	5

Serv. Commercial	10	10	5	5	5	0	5	5	10	5	5	10	5	5
Misc. Service	15	10	5	5	5	5	0	5	10	5	5	10	5	5
Services	15	10	5	5	5	5	5	0	10	5	5	10	5	5
Industrial	20	20	10	10	5	5	5	5	0	10	10	5	5	0
Misc. Uses	15	10	10	5	5	5	5	5	10	0	5	10	10	10
Rec. Uses	10	10	5	5	5	5	5	5	10	5	0	10	10	10
Transp. Uses	20	20	15	10	10	10	10	10	5	10	10	0	5	5
Warehouse	20	15	15	10	5	5	5	5	5	10	10	5	0	5
Intensive Ag* Uses	15	10	10	10	5	5	5	5	0	10	10	5	5	0

*Intensive Ag Uses shall be defined for the purpose of this chart to include Agricultural Products Processing Plants, Animal Products Processing Facility, Animal Shelters, Farm Equipment and Supply Establishments, Kennels, Sawmills, Slaughterhouses, Stockyards/Feedlots, and Veterinary Hospitals.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—Ord. NO. 19-03, § 3(Exh. A-7), adopted March 21, 2019, renumbered the former §§ 701.4—701.9 as §§ 701.8—701.13 and enacted new §§ 701.4—701.7 as set out herein. The historical notations have been retained with the amended provisions for reference purposes.

701.5. Foundation Landscaping.

The amount of twenty (20) square feet per one thousand (1,000) square feet of proposed gross floor area, located contiguous to the building.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19)

Editor's note(s)—See the editor's note to § 701.4.

701.6. Residential Street Trees.

1. One (1) canopy tree shall be planted within twenty-five (25) feet of the right-of-way of each local street within a residential development for every fifty (50) linear feet, or substantial fraction thereof, of right-of-way when proposed lots have a minimum of one hundred (100) feet of frontage or greater. When proposed lots have less than one hundred (100) feet of frontage, street trees shall be limited to one (1) canopy tree per frontage. None of these required trees shall be planted within a public or private utilities easement. Palm trees may not be utilized to meet this requirement, unless they are grouped with a minimum of two (2) used for each canopy tree. A maximum of twenty-five (25) per cent of all proposed residential street trees may be palm trees.

2. For proposed lots with less than sixty (60) feet of frontage smaller maturing canopy trees or understory trees may be utilized.
3. The trees shall be spaced no closer together than twenty-five (25) feet, unless a decorative grouping or alternative method is chosen by the developer. Existing native trees should be used to fulfill these requirements wherever they meet the spacing and size requirements and are adequately protected during construction.
4. Installation and initial maintenance of landscaping on all common areas within the project is the developer's responsibility. A notice of responsibility for the property owner's installation and maintenance of the trees shall be drafted in a notice recorded in the public records governing the development.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19)

Editor's note(s)—See the editor's note to § 701.4.

701.7. Redevelopment Standards.

1. These redevelopment landscape standards apply to approval requests with existing building when:
   a. A "change of use" that requires a plan approval per Chapter 3;
   b. Establishing a new use that requires administrative approval; or
   c. Increasing the Gross Floor Area or the Vehicle Use Area that requires a plan approval per Chapter 3 or Section 1005.8.
2. Exceptions:
   a. Vehicle Use Areas (parking space) increases due solely to the restriping of existing surfaces are not included within the percentage increase calculation.
   b. All Special Permit Uses shall be required to meet all of the requirements for landscaping and screening for new development contained in Section 701. The Department Director, or designee, shall have the authority to permit modified landscaping/screening under limited circumstances.
3. Any project which results in more than a fifty (50) percent increase in gross floor area or the number of parking spaces shall be required to meet all of the requirements for landscaping and screening for new development contained in Section 701.
4. Any project that proposes an increase in Gross Floor Area (GFA) and/or Vehicle Use Area (parking spaces) exceeding twenty-five (25) percent but less than fifty (50) percent is required to provide landscaping per Section 701 for the area of the increase (new work), and shall upgrade the following existing landscape components to the current Code requirements:
   a. Roadway buffer;
   b. Terminal islands;
   c. Internal islands;
   d. Foundation landscaping;
   e. Irrigation;

f. Perimeter landscaping; and

g. Screening.

5. The above landscaping components shall be installed to meet this code. The following modifications are allowed:

   a. The clustering of required plant materials is allowed to reduce the removal of existing site improvements if the required plant count is maintained.

   b. When necessary to maintain Code dimensions for parking space depth and drive aisle width, the roadway buffer width may be reduced to a minimum of five (5) feet.

   c. Flexibility in the location of new foundation landscaping is allowed to minimize the removal of existing site improvements and maintain the required parking space and drive aisle dimensions. Foundation landscaping may be located around the existing building and is encouraged to be located around building entrances.

   d. The number of internal islands may be reduced by one-half (½) in the existing parking area.

6. Any project that proposes an increase in Gross Floor Area (GFA), and/or Vehicle Use Area, of between zero (0) and twenty-five (25) percent of the existing, is required to provide landscaping per Section 701 for the area of the increase (new work).

7. All projects shall be required to replace, previously planted, required landscaping that has died or is not fulfilling its intended purpose (screening, height after two (2) years, hedges with gaps, etc.) to meet the standards in effect at the time of the original approvals, unless such landscaping is no longer required by this code.

8. Incremental increases in either gross floor area or vehicle use area spaces that cumulatively exceed the fifty (50) percent threshold over a three (3) year period shall require the project to meet the standards for new development as shown in Section 701.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—See the editor's note to § 701.4.

701.8. Specifications.

A. **General.**

1. Drought tolerant species.

2. Minimum Florida Number One Grade.

3. Appropriate to soil and climate.

4. Minimum thirty (30) percent native species.

5. Low maintenance.

6. Irrigation shall be zonally designed.

7. Xeriscape-type landscaping is required whenever feasible.

8. Must meet the standards of Section 1002, Visibility Triangles.
9. No synthetic/artificial lawns or plants.
10. All landscaped areas shall be protected by wheel stops or curbing.
11. Areas with planted trees shall be a minimum eight (8) feet wide (inside curb measurement).
12. Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
13. Preserving native plant communities is encouraged and may be required, as appropriate.
14. Native plant communities shall be counted at 1.5 ratio for meeting open space requirements (minimum ⅛ acre in size).
15. No parking, loading areas, or buildings shall be placed within any landscape buffers.
16. Trees and shrubs shall not be placed within the middle two-thirds (⅔) of any drainage swale or within three (3) feet measured horizontally from the centerline of the drainage swale; whichever is greater. Swales must allow the positive flow of water without any obstruction.
17. A maximum of forty (40) percent of all required trees may be palm trees. When palm trees are utilized as canopy trees, a minimum of two (2) palms must be grouped to serve as a canopy tree. Each palm tree group will count as one (1) canopy tree.
18. For solid, opaque fences and/or walls used within landscape buffers, the fence shall be placed at the interior edge of the buffer and the required landscaping shall be placed at the exterior side.

B. **Trees.** Trees required under Section 701 shall be in accordance with the following:

MINIMUM SIZE AT PLANTING	CANOPY	UNDERSTORY	PALM
Height	10 Feet	6 Feet	15 Feet
Caliper	2½ Inches	1½ Inches	
Spread	4 Feet		

C. **Shrubs.** Shrubs required under Section 701 shall be in accordance with the following:

MINIMUM SIZE AT PLANTING	HEDGE	VEHICLE USE AREA ISLANDS	
Height	24 Inches		
Gallons	3 Gallons	1 Gallon	3 Gallons

D. **Prohibited Species. Prohibited Plant Species.** The following plant species shall not be planted in Manatee County:

1. Melaleuca quinquenervia (commonly known as Punk tree, Cajeput, paper bark, malaleuca);
2. Schinus terebinthefolius (commonly known as Brazilian Pepper or Florida Holly);
3. Casuarina species (commonly known as Australian Pine);

4. Rhodomyrtus tomentosa (commonly known as Downy Rose Myrtle);
5. Mimosa pigra (commonly known as the Catclaw Mimosa);
6. Dalbergia sissoo (commonly known as the Indian Rosewood); and
7. Cupaniopsis anacardioides (commonly known as the Carrotwood).

E. **Nuisance, Exotic Plant Species Management.** All nuisance, exotic plant species shall be removed from upland portions of land development sites during construction except as noted below. An Exotic Plant Species Management Plan shall be approved by the Department Director, or designee, prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project.

Nuisance, exotic plant species removal may be modified by the Department Director, or designee, provided that an Exotic Species Management Plan is approved to minimize the expansion and establishment of exotic plant species outside of the approved post-development configuration. Modifications may be approved as follows:

1. Specific locations of redevelopment projects, where existing nuisance, exotic vegetation is acting as a screen to assure compatibility or protection of the existing land use.
2. Development sites where removal of nuisance, exotic vegetation cannot be phased, or will result in costly and extreme soil stabilization measures.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—See the editor's note to § 701.4.

701.9. Modifications.

Department Director, or designee, may approve alternative screening/landscaping upon determining the plan meets the intent of the standards and meets or exceeds a plan in strict compliance.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—See the editor's note to § 701.4.

701.10. Landscape Plan Required.

A landscape plan shall be submitted, reviewed and approved by the Department Director, or designee, at the Preliminary and final site plan stages, or prior to the issuance of a building or access and drainage permits. These plans should be integrated into the site plans/plats submitted, and shall be prepared by a landscape architect or other persons as authorized under F.S. ch. 481, Part II. The landscape plan shall consist of:

A. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;

B. Location of existing boundary lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties, A vicinity map should also be attached to or made a part of the plan;

C. Approximate centerlines of existing water courses and the location of the twenty-five (25) year and one hundred (100) year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, utility easements, driveways, parking, sidewalks, and similar features;

D. Project name, street address, and legal description;

E. Location, height, and material of proposed screening and fencing (with berms to be delineated by one (1) foot contours);

F. Locations and dimensions of proposed landscape buffers, areas, and cross section;

G. Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or diameter breast height sizes at installation, heights, spread, method of irrigation (as shown in Section 701.11) and spacing. The location and type of all existing trees on the lot over four (4) inches in caliper or greater must be specifically indicated;

H. Calculations as to the amount (in square feet) of vehicle use and foundation landscape areas required and provided;

I. An indication of how existing healthy trees proposed to be retained will be protected from damage during construction;

J. Size, height, location and material of proposed seating, lighting, planters, sculptures, and water features;

K. A plan drawn to scale showing in addition to the above items the location of roads, sidewalks, buildings, landscape areas and buffers, planters, drainage facilities, easements, property lines and fences;

L. Location of visibility triangles on the site (if applicable), including visibility triangle within parking areas;

M. Other information as may be required by the Department Director, or designee, to determine whether the landscape plan meets the requirements of this Code; and

N. Preliminary Site Plan Requirements. Items to be included within a landscape plan submitted in conjunction with a preliminary site plan are: proposed general types of plant materials, general location of landscaping in vehicle use areas, foundation landscaping areas, screening buffers and roadways buffers. One hundred (100) percent automatic irrigation shall be noted.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—See the editor's note to § 701.4.

701.11. Irrigation.

A. **Irrigation Design Standards.** One hundred (100) percent automatic irrigation systems shall be required for all projects. The following standards shall apply to the design, installation and maintenance of the irrigation

systems. Single-family and duplex dwellings, if an automatic irrigation is installed, shall provide rain or moisture sensing shut-off devices.

1. Existing plant communities and ecosystems maintained in a natural state do not generally require supplemental irrigation.
2. Rain or moisture sensing shut-off devices shall be installed with any irrigation system. Drip or microjet irrigation shall be used where possible. Low trajectory spray nozzles are encouraged.
3. All irrigation systems shall use the lowest quality water available which adequately and safely meets the water needs of the system. Stormwater reuse, reclaimed water use and grey water irrigation systems shall be used where feasible. Shallow wells and wet retention/detention ponds shall also be in used as an alternative to potable water.
4. The applicant shall provide an irrigation plan that shall show the location of the water source and size of well (if applicable), backflow preventer (if applicable), the location of irrigation heads, drip lines, water lines or other items that will show that one hundred (100) percent automatic irrigation is serving all required landscape areas on the plan.

B. **Irrigation Within the Right-of-Way.** Property owners wishing to maintain landscaped areas in the rights-of-way contiguous with their property and adjacent to the paved road or sidewalk may, with the following stipulations, install underground irrigation lines and sprinkler heads within these areas:

1. When the County or any other utility with legal easements, needs to cut or remove parts of said irrigation system, or damages same as a result of work within the rights-of-way, it shall be the property owner's responsibility to repair and/or replace those damaged areas of the system, and all costs shall be borne by the property owner.
2. No portion of any irrigation system shall be installed within the right-of-way without a Right-of-Way Use Permit. Any spray heads or nozzles located adjacent to the rights-of-way shall be directed away from all travel lanes and sidewalks. All such systems shall be designed so that water being applied to impervious surfaces is reduced or eliminated.
3. The irrigation system shall be properly maintained and operated consistent with County-wide watering schedules.
4. For public health, safety and welfare reasons, the County may rescind any approval and cause removal of any irrigation line within the rights-of-way, without notice, cause or reimbursement, to the property owner.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19)

Editor's note(s)—See the editor's note to § 701.4.

701.12. Installation and Maintenance of Landscape and Irrigation.

A. Installation shall be complete at the time of final inspection, except as provided otherwise.

B. Property owner shall maintain landscaping and screening for the life of project.

C. Required plant materials which are removed or die shall be replaced within thirty (30) days.

D. Understory growth and the natural function of the area shall be maintained.

E. Installation shall be in a sound, professional manner.

F. Required landscaping shall be maintained and pruned in a manner that preserves the natural shape and growth characteristics of the species. Pruning that "hatracks" or "lollipops" canopy trees is prohibited without prior approval of the Department Director, or designee, and/or the board.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—See the editor's note to § 701.4.

701.13. Certification Required.

Prior to final plat approval or prior to the required inspection(s) for Certificate of Completion (as applicable), the landscape professional responsible for the project shall provide written, sealed or notarized, certification to the Engineer of Record that the installation of irrigation, landscaping and the removal of nuisance exotic plant species has been completed in accordance with the approved plan or plat. The Engineer of Record shall provide a copy of the landscape professional's certification with submittal of his/her certification.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 24-64, § 3(Exh. A), 11-7-24)

Editor's note(s)—See the editor's note to § 701.4.

Section 702. Earthmoving.

702.1. Purpose.

The purpose and intent of this Section is to ensure safe and environmentally adequate design and reclamation of all disturbed lands; and to protect all property during excavating, filling, and off-site transporting of material in the process of earthmoving.

702.2. Exemptions.

A. The earthmoving operations listed under subsection B shall not require a separate earthmoving site plan or operating permit provided:

1. No off-site drainage is affected;
2. No rise in the base flood elevation of an identified floodway;
3. No change in grade at the property line (except for swales); and
4. All other state and local requirements have been fulfilled. Although an earthmoving permit may not be required, a tree removal permit under Section 700 may be required. If the site is located within the floodplain, the provisions of the Floodplain Management Ordinance.

B. The activities eligible for exemptions are:

1. Earthmoving which is accessory to agricultural operations where no earth is transported off-site.

2. Site preparation and finish grading for or accessory to Permitted Uses or other Conditional Uses, which are specifically identified and approved during another developmental permit approval.
3. Earthmoving which is a part of a county approved construction project, such as a subdivision, or a dredge and fill project.
4. Earthmoving for the preparation of a site, foundation, and landscaping of a single family detached, attached dwelling unit, or duplex located on a lot of record.
5. Two hundred (200) cubic yards or less of material classified under earthmoving within any one (1) year period.
6. A grading operation of two (2) acres or less.
7. Excavation of a retention/detention pond associated with another valid development permit.
8. Excavation, and filling confined to a single family detached or attached dwelling unit residentially zoned lot including excavation for a pond not to exceed two hundred (200) cubic yards located totally within the same lot.
9. Earthmoving which is specifically associated with and part of another valid development permit on a lot for a structure, drainage facility, or sanitary sewer system, subject to compliance with the Manatee County Development Standards.
10. All phosphate mining activities shall comply with requirements set forth in Chapter 2-20, Mining and Reclamation, of the Code of Ordinances, in lieu of obtaining an earthmoving permit under this Section.

(Ord. No. 20-12, § 3(Exh. 6), 9-3-20/Amd. 11-10-20)

702.3. Earthmoving Site Plan Review and Requirements.

A. **Site Plan Requirements.** The earthmoving site plan depicts the proposed earthmoving activities and procedures as forecasted for the entire life of the earthmoving project.

B. **Minor Earthmoving Site Plan.**

1. *Applicability.* Minor earthmoving site plans shall be required for all earthmoving operations as described herein, which:
    a. Are not exempted by Section 702.2, Exemptions;
    b. Are not subject to Section 702.4, Major Earthmoving Requirements;
    c. Involve grade changes at any property line, except for swales and driveway access;
    d. Involve any earthmoving operation in excess of two hundred (200) cubic yards but less than one thousand (1,000) cubic yards of material classified under earthmoving, when not specifically associated with and approved under any other development permit; or
    e. Involve a grading operation over two (2) acres but not less than ten (10) acres, when not specifically associated with and approved under any other development permit.
2. *Pre-Application Conference.* A pre-application conference is optional for minor earthmoving site plan applications.

3. *Department Director Review.* Applications for minor earthmoving shall be submitted to the Department Director on forms as provided. The Department Director, after necessary coordination with other applicable county departments and agencies, may approve such application.

   The Department Director shall conduct a site inspection and issue a report on each application. In the approval of any application for minor earthmoving under this Section, the Department Director may include conditions designed to protect adjacent property or public property; or to ensure safe and environmentally adequate design, construction and reclamation that are stipulated under Sections 702.4 and 702.5.

4. *Site Inspection.* Upon completion of the earthmoving, the property owner shall notify the Department Director, who shall cause a site inspection of the completed operation to ensure any and all necessary reclamation is completed and that no adverse surface water drainage conditions exist.

5. *Floodplain Management Permit.* If an earthmoving operation lies within any floodplain, a floodplain management permit is also required.

6. *Phosphate Mining.* All phosphate mining operations shall comply with Chapter 2-20 of the Code of Ordinances, Manatee County Mining Code, as amended in lieu of obtaining an earthmoving permit under this Section.

C. **Major Earthmoving Site Plan.**

1. *Site Plan and Permit Required.* Major earthmoving site plans and operating permits shall be required for all earthmoving operations which involve excavation and/or filling of:

   a. Over one thousand (1,000) cubic yards of material, whether by single or multiple operations in any one (1) year period of time; or

   b. More than a ten (10) acre excavation/filling operation.

2. *Requirements.* All major earthmoving shall meet the following requirements:

   a. The applicant shall be the owner of the property, if the earthmoving operation is being conducted by him. If the earthmoving operation is done by others (e.g. a contractor), the owner and contractor shall be co-applicants as principals jointly and severally liable as co-principals on the surety bonds;

   b. If the zoning district in which the proposed activity is located permits earthmoving activities, an applicant shall submit to the Department Director, an earthmoving site plan of its proposed activities to accompany the application. In zoning districts when earthmoving requires an administrative or Special permit, the applicant shall submit those applications in addition to the earthmoving site plan; and

   c. For loam, sand, gravel, and roadway aggregate material excavations, the Department Director may lessen the requirements herein required based on the scope of the work proposed by the applicant.

D. **Application Information and Site Plan Requirements.** A pre-application conference is required for all major earthmoving site plan applications. The purpose of the pre-application conference is to provide the County with sufficient information at an early stage in order to understand the scope of work, advise the applicant of the Code requirements, and inform the applicant what may be required prior to the applicant preparing site plans. The Earthmoving Site Plan is a description of the proposed earthmoving activities and procedures as

forecasted for the entire life of the earthmoving project. The materials to be excavated or filled, the sequence or phasing of excavation or filling and the estimated periods of time involved shall be indicated. The Earthmoving Site Plan shall in addition to meeting the requirements of Section 322, Preliminary Site Plans, shall also include:

1. Scaled maps, supporting documents, and calculations.
2. The name, address, and telephone number of the applicant. If the applicant and/or property owner are not individual natural persons or individual business entities, the application shall fully identify each person or entity having any interest in the earthmoving activities or ownership of the land, and shall specifically identify the nature of such interest. The name, address, and telephone number of the applicant's business office in Manatee County upon whom service of legal papers may be made and who may be contacted in case of need. A certified legal description and a statement of the nature of the applicant's legal interest in any and all lands upon which any operations are proposed;
3. The location of the one hundred (100) year floodplain and the twenty-five (25) year floodplain shall be shown on the site plan.
4. The locations and dimensions of proposed pit dewatering retention/detention ponds, together with a description of all proposed temporary and permanent silt, erosion, and turbidity controls;
5. The location, use, and description of any pipelines, building, or any other non-mobile structures or devices to be constructed for the extraction, pit dewatering, weight scales or other material handling facilities;
6. Maps or aerial photographs, on a scale of one (1) inch equals two hundred (200) feet, with overlaps of two hundred (200) feet, depicting the name, location and limits of all wetlands, lakes, rivers, reservoirs, streams, creeks, and other water bodies within the Earthmoving Site Plan area, including all waters of the State as defined by F.S. ch. 403, and all navigable waters as defined by F.S. ch. 253;
7. Engineering estimates of rated flow capacity for all equipment proposed for pit dewatering purposes and discharges to ground and surface waters, showing location of points of discharge from the applicant's property and estimates of discharge rates to any receiving streams;
8. The drainage features to be provided during and following all earthmoving activities, including topographic maps sufficient to show all drainage characteristics of the earthmoving site and immediate vicinity thereto; criteria used for design and an assessment of the effect that the proposed earthmoving, pit dewatering and discharge will have on the drainage regime of surface waters and the surficial aquifer system;
9. A program for controlling non-point sources of water pollution originating from any areas disturbed by earthmoving activities, the runoff from which is not redirected back into the pit.
10. A program for controlling fugitive dust originating from any areas disturbed by earthmoving activities or used as a principal haul route by the applicant, as deemed necessary by the Department Director.
11. A description of the maintenance program for the water retention/detention ponds and other pollution control facilities, addressing such issues as inspection, maintenance, repair or replacement and restoration as part of the total site reclamation effort;
12. An inventory of all existing wells on the property, to include locations, diameters and estimated depths;

13. Descriptions and locations for monitoring systems or devices to measure the effects of the proposed earthmoving activities on air and water quality, to include for each station: (1) the type of device or procedure to be installed or followed; (2) the schedule to be followed; (3) provisions for the County to witness the monitoring activities; (4) a proposal for the compilation of data; and (5) the scheduling for the submission of reports;

14. A soil testing report by a Soil Testing Laboratory of the results of exploratory drilling showing the elevation of the top and base of the borrow zone, the soil composition of both underlying and overlying materials, and the pre-operational water levels encountered in the drilling of auger holes;

15. A transportation analysis, prepared by an engineer, to identify the haul routes for trucks or any other modes of transportation used for removing borrow materials off of the applicant's property, with emphasis given to any disruption of normal vehicular traffic movements caused by the proposed activities; and in so far as possible, the estimated maximum number of haul trips for any twenty-four-hour period;

16. A reclamation plan for all disturbed areas in accordance with Section 702.4, below, and a time schedule therefor that meets all provisions of this Code;

17. The applicant shall submit a map indicating the proposed haul route and include turning radii, width of pavement, method of periodic maintenance and dust control.

18. For all projects located in a floodplain, in addition to obtaining a floodplain management permit under the Floodplain Management Ordinance, a hydrologic study detailing the effects of the earthmoving operation on the characteristics of the floodway and one hundred (100) year floodplain shall be submitted. The technical information shall include, but not be limited to, the following:

    a. Existing and final topography, surveyed and mapped by a professional land surveyor to one (1) foot contour intervals with elevations referenced to mean sea level datum, shown on a fifty (50) foot grid meeting the minimum requirements as set forth in Chapter 21-HH-6, of the Florida Administrative Code;

    b. Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;

    c. A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the one hundred (100) year floodplain caused by the activity.

    d. Certification by an engineer that the Standards of Section 801, Stormwater Management, have been met.

    e. The signature and seal of an engineer responsible for the preparation of the Earthmoving Site Plan and an express certification by said engineer that he/she is personally familiar with the proposed earthmoving activities, that he/she has personally reviewed all elements of the Earthmoving Site Plan and that all engineering estimates or computations comply with generally accepted engineering practices.

19. Applications shall be determined complete in accordance with Section 312 of this Code.

E. **Effect of Approval of Major Earthmoving Use.**

1. The purpose of the earthmoving site plan is to describe the earthmoving activities of the applicant over the life of the earthmoving project, so as to allow the overall plans to be reviewed prior to the issuance

of any operating permits for particular earthmoving activities, thus enabling the county to ascertain whether the impacts of the activities are consistent with the public health, safety, and welfare, the comprehensive plan, and the overall development of the County.

2. Upon approval of an earthmoving site plan by the Department Director, the applicant may apply for an operating permit pursuant to this Section. Approval of the earthmoving site plan shall not vest the applicant with any rights to issuance of said operating permit, nor shall it entitle the applicant to initiate earthmoving activities; the applicant shall be required to meet all requirements for operating permits as they exist at the time of application therefore, and the earthmoving site plan approvals shall so expressly provide.

3. The applicant shall have a period of one (1) year from the date of the approval of the earthmoving site plan to submit an application for an operating permit. The Department Director may, extend the time limit for one (1) additional year. If an operating permit has not been applied for at the end of the one (1) year period or within any authorized extension that has been granted, the earthmoving site plan approval shall automatically terminate.

F. **Amendments or Variances to Earthmoving Site Plan.**

1. Amendments to the earthmoving site plan may at any time be requested by the applicant who has obtained said approval. Any significant changes as to any component of an approved earthmoving site plan shall be reviewed in the same manner as the original application. Significant changes shall include, but are not limited to, any change in the location or manner of excavation for the pit, any primary haul routes exiting the property, or discharge points; a change in the manner or location of dredging or filling waters of the State; or any other change that might result in increased environmental impacts. Any change made at the order or direction of any State or Federal agency shall require prompt notice to the Department Director. Failure of the holder of an approved earthmoving site plan to so inform the Department Director of any significant changes in the previously approved earthmoving site plan or changes ordered or required by Federal or State agencies, shall constitute a violation of this Section. Approval of any change shall be a pre-requisite to commencing any actual change at the site.

2. Any requested amendment of an earthmoving site plan shall comply with the procedures outlined for an original earthmoving site plan application and, in addition, shall include a list of the specific item(s) to be amended, and a detailed explanation of the reasons for amendment.

G. **Transfer of any Major Earthmoving Site Plan Approval.**

1. Before the transfer of any major earthmoving site plan approval, the applicant and the prospective transferee must apply to the Department Director for an amendment to the original application and permit, stating in detail any changes desired in the earthmoving site plan.

2. If the transfer is approved by the Department Director, it shall be accomplished by the issuance of a "transfer excavation plan" to the transferee.

3. Upon acceptance of the transfer excavation plan, the transferee becomes the applicant under this Section and assumes the responsibility of compliance with all the terms of this Section effective on the date of transfer, regulations adopted hereunder, and the earthmoving site plan.

H. **Fees.** A schedule of fees for earthmoving site plan processing shall be established and revised periodically by the Board by Resolution. These fees shall be those reasonably necessary to off-set the additional cost to the county incurred in the adequate review of all aspects of the excavation activities, and to insure the health, safety and welfare of the citizens of Manatee County.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19; Ord. No. 20-12, § 3(Exh. 6), 9-3-20/Amd. 11-10-20)

702.4. Reclamation Standards.

A. **Agricultural Lands.** Land reclaimed for agricultural use shall meet the following standards:

1. *Topography:* The land shall be sufficiently level and free of holes, gullies, and washouts to permit safe operation of conventional farm and agricultural equipment; including stormwater management measures.

2. *Stability:* The land shall have settled and firmed to the extent that will support conventional farm and agricultural equipment and such that livestock will be able to walk on the surface of the land.

3. *Revegetation:* All disturbed areas shall be promptly seeded and mulched with grass mixtures of perennial and annuals, with application rates which are capable of cover establishment during the growing season for which it is applied. Revegetation shall be considered complete upon demonstrating ninety (90) percent perennial vegetation cover establishment one (1) year after reclamation;

B. **Lakes and Other Water Bodies.** Lands reclaimed as lakes and other water bodies shall meet the following standards:

1. *Shoreline Conformation:* In order to encourage healthy circulation within created lakes, such lakes shall be designed to have regular (non-meandering) shorelines;

2. *Soil Stability:* All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist;

3. *Area; Slopes:* For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of non-structural water quality maintenance, the applicant shall establish a littoral zone below the mean water level either along the shoreline or within a central area of the lake or a combination of the two, meeting the following requirements: (a) the total area of the littoral zone(s) shall be a minimum of ten (10) percent of the total surface area of the lake at the mean water level; (b) if created along the shoreline, the littoral zone shall be clustered over areas not exceeding eighty (80) percent of the shoreline perimeter to ensure adequate access for maintenance and other permitted water-dependent uses. The littoral zone(s) shall be sloped or terraced at slope equal to or no greater than 5:1, below the water line to a depth of three (3) feet; (c) if created in a central area of the lake not connected with the shoreline, the littoral zone(s) shall be constructed at depths below the mean low water line to exceed three (3) feet with side slopes at the perimeter of the littoral zone of 4:1; and (d) all other portions of the lake shoreline not sloped at 5:1 or flatter to meet littoral zone requirements shall be contoured no steeper than 2:1 from a mean depth of six (6) feet;

4. *Perimeter Berm and Swales:* For the purposes of ensuring water quality control and to provide for a measure of long-term quality maintenance, the applicant shall construct a perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake, meeting the following requirements: (a) the perimeter swale shall have a maximum slope of three (3) percent; (b) side slopes on the swale shall be no less than 4:1; (c) spreader spillways to the lake from the berm and swale system shall be spaced and provided at regular intervals not to exceed two hundred (200) feet and shall be protected against erosion; except that (d) perimeter berm and swale systems need not be required where such lake systems interface with wetland areas and where the

unrestricted water movement from one water body to another is necessary to promote proper hydro periods and biological integrity; and

5. *Lake Depth:* Reclamation shall be completed so that the deepest parts of created lakes of the reclaimed lands shall not exceed thirty-five (35) feet in depth from the mean water level, and ninety (90) percent of the surface of the lake shall not exceed an average depth of twenty-five (25) feet from the mean high water level. Further, the design shall avoid a bottom configuration that would serve as a detriment to proper circulation.

702.5. Earthmoving and Mining Activities within the Floodplain.

A. All earthmoving involving more than two hundred (200) cubic yards or disturbing more than two (2) acres and mining activities located in the one hundred (100) year floodplain shall require approval of an earthmoving site plan. The applicant shall provide documentation of any changes in the characteristics of the one hundred (100) year floodplain as a result of the activity. In cases where earthmoving site plan approval is not required, the Department Director may still require Floodplain Management information.

B. All proposals shall demonstrate conformance with the standards of the Manatee County floodplain management regulations. A hydrologic study detailing the effects of the operation on the characteristics of the Floodway and one hundred (100) year floodplain shall be submitted. The technical information shall include, but not be limited to, the following:

1. Existing and final topography, mapped to one foot contour intervals with elevations referenced to mean sea level datum, shown on a twenty-five (25) foot grid;

2. Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;

3. A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the one hundred (100) year floodplain caused by the activity; and

4. Certification by an engineer that the standards of this Code have been met.

702.6. Operating Permit Requirements.

A. **Application for an Operating Permit.** Any persons contemplating major earthmoving activities in Manatee County shall, upon securing approval of an earthmoving site plan, apply for and obtain an operating permit before commencing any earthmoving or other lot clearing activities within an approved area. An operating permit constitutes authorization to commence specified earthmoving activities for a specified period of time, and after an affirmative showing by the applicant of compliance with the criteria and objectives of this Section. An operating permit may contain such terms and conditions as the county determines necessary to protect against the adverse impacts of the proposed earthmoving activities. The application for an operating permit, on a form provided by the county, shall be submitted to the Department Director.

B. **Necessary Information.** The application for an operating permit shall be accompanied by:

1. Documentation of earthmoving site plan approval.

2. Copies of necessary applications to, and any applicable approvals from federal, state, regional and local agencies.

3. The fee required for review of an operating permit application under the terms of this Section.

4. Such other information or studies needed to affirmatively show compliance with the operating permit criteria established by this Section.

5. Draft of surety bonds.

C. **Completeness of Application.** The Department Director shall determine the completeness of the application within a reasonable period of time following receipt thereof, and shall notify the applicant of its determination within that period. If the application is deemed incomplete, the Department Director shall apprise the applicant of the deficient part(s) of the application. Thereafter, the applicant shall have thirty (30) days within which to supply all necessary information. Based on the scope and extent of deficiencies, the applicant may be granted an extension of up to sixty (60) days. If such information is not supplied, the application shall be returned to the applicant as unacceptable and may reapply sixty (60) days thereafter.

D. **Permit Approval or Denial.**

1. After receipt of a complete operating permit application, the Department Director shall review the application in accordance with the standards and criteria as contained herein and all applicable provisions of this Code. The applicant for a permit shall have the burden of providing with the application accurate and sufficient information to clearly substantiate that the application is in compliance with all of the criteria and the requirements of this Section. The Department Director shall issue, require modification of, or deny the permit, within a reasonable period of time.

2. No permit shall be issued by the Department Director if there is found:

   a. Information set forth in the application, by inspection, that the applicant cannot comply with this Section; or

   b. That the applicant has had any other permit issued hereunder revoked, or any bond posted to comply with this Section forfeited, and the conditions causing the permit to be revoked or the bond to be forfeited have not been corrected to the satisfaction of the county.

3. An applicant shall have one (1) year from the date the operating permit is issued to commence and actively conduct earthmoving activities; if earthmoving activities are not commenced and actively conducted within said time the operating permit shall be void and be of no effect.

E. **Term of Operating Permit.** All operating permits issued pursuant to the requirements of this Section shall be valid for a term not to exceed five (5) years, unless suspended, canceled, or revoked prior to that time.

F. **Criteria for Operating Permit Issuance.**

1. *Compliance with Other Laws.* All applicable statutes or regulatory requirements of federal, state, regional and local agencies are made a part of this Section, and a violation thereof shall constitute a violation of this Section.

2. *Minimum Protection.* The applicant shall conduct earthmoving activities in a manner that will avoid and minimize undesirable effects of earthmoving activities and that will protect the land, water resources, natural resources, wetlands, historical sites, road systems, property rights, and the public health, safety, and welfare of the County.

3. *Reclamation.* The applicant shall provide reasonable assurance that reclamation will proceed in accordance with the approved earthmoving site plan and Section 702.6.L.

4. *Radiation.* The applicant shall conduct earthmoving activities in such a manner as to ensure that upon reclamation of earthmoving activities, the lands within the operating permit area have radiation levels that do not exceed the limit of total mean soil Radium 226 concentration. Representative test samples shall be taken from one six (6) foot core per each five (5) acres of disturbed lands which will not be reclaimed as lakes and shall not exceed 5.0 picocuries per gram.

5. *Roadway Impacts and Improvements.* The applicant shall not begin any shipment on county maintained roads without an approved operating permit. The transporting of all earthmoving activities shall take into consideration the impact on traffic circulation, safety, and roadway stability resulting from such shipments. Any required improvements shall be completed or satisfactorily guaranteed before such use is made of county maintained rights-of-way. Such improvements shall include repairs or maintenance from damage to such rights-of-way based upon roadway conditions prior to construction expressly identified in writing by the Department Director before the use of the road. If the applicant does not accomplish expeditious repair to damaged rights-of-way, the county shall make such repairs at the applicant's expense. The applicant shall agree to abide by all future regulations as may be developed by the county with regard to safety, loads, and frequency.

G. **Setback Requirements.**

1. No earthmoving activities shall be performed within two hundred (200) feet of a naturally occurring stream bed or other water body, regardless of whether the stream bed or other water body is located on or off the subject earthmoving site, or within fifty (50) feet of the applicant's property line, whichever provides the greater setback from the property line.

2. No excavated material, stock pile or construction equipment shall be stored on the applicant's property longer than fourteen (14) days within fifty (50) feet from an applicant's property line, natural water body, or county easement.

3. If the applicant affirmatively demonstrates that the above requirements are unreasonable under the circumstances and creates undue hardships, and that a lesser requirement would not adversely affect the public health, safety and welfare, the Department Director may allow a lesser setback requirement.

H. **Safety Requirements.** The owner shall provide fencing at a minimum height of five (5) feet with a vertical protective barrier material such that a four (4) inch diameter sphere cannot pass through any opening, where the property is (1) open to public access or (2) within one hundred (100) feet of a arterial or (3) within five hundred (500) feet of any residentially zoned property, or (4) shall provide other suitable means of restraining public access onto the site during the period of earthmoving and reclamation activities.

I. **Monitoring.**

1. The purpose of the environmental monitoring program for earthmoving activities in Manatee County is to establish baseline conditions over a one (1) year period prior to earthmoving, as deemed necessary by the Department Director and subsequently to continuously evaluate compliance with applicable standards established by local, regional, state and federal agencies over the life of the permit. The one (1) year period may be reduced by the Department Director based on the type of earthmoving material being mined and the type of mining operation. Operations which are currently mining and have baseline data for an area may request that this data be considered by the Department Director to satisfy baseline monitoring requirements for expansion areas. The program shall consist of monitoring the following areas:

   a. Surface water quality;

b. Surface water quantity;

c. Radiation in soils; and

d. Reclamation of the site. Specific requirements of the above-mentioned components of the monitoring program will be developed on a site-specific basis according to the features of the site and the projected environmental impacts of earthmoving activities.

2. Each component of the environmental monitoring program will consist of the following descriptive elements:

a. Sampling locations;

b. Parameters and standards;

c. Frequency and duration;

d. Methods;

e. Quality assurances; and

f. Reporting.

3. The applicant shall submit to the Department Director copies of all environmental monitoring data/reporting required by outside agencies for the subject activity (including data on contiguous portions of any earthmoving outside of Manatee County). The data reports shall be submitted to the Department Director concurrently with the submission to the requiring agency (e.g., DEP permit monitoring reports).

4. Modification of monitoring requirements may be made during the annual progress report process. The purpose of such modification is to add or delete sampling to reflect new developments in earthmoving and sampling technology which may improve both sampling and environmental quality. Upon mutual agreement (express written approval) by the applicant and the Department Director, changes in the monitoring program can be made at any time. Additions or changes in monitoring as required by new permits or newly-enacted legislation will be implemented according to schedules prescribed by law or by the conditions of said permit.

J. **Maintenance Plans.** The applicant shall submit to the Department Director for review and express written approval, a maintenance plan for the retention ponds, expressing such issues as inspections, maintenance, repair or replacements, and restoration, as part of the total site reclamation effort.

K. **Inspection.** The county is authorized to enter the premises of any earthmoving activity conducted hereunder for the purpose of inspection, to ensure compliance with the terms and conditions of the operating permit and the earthmoving site plan approval.

L. **Financial Responsibility.** Prior to the issuance of an operating permit, an applicant shall furnish the Department Director, evidence of financial responsibility in an amount based upon the total number of acres to be disturbed and haul road length during the term of the operating permit and subsequent reclamation. Such evidence of financial responsibility shall consist of the following:

1. *Reclamation Surety Bonds.* After an operating permit application has been approved by the Department Director and prior to its effective date, the applicant shall file with the Department Director, surety bonds, on forms provided by the county, payable to Manatee County, and conditioned upon the following:

a. Faithful performance of all the requirements of this Section, the operating permit, and satisfaction of all claims and demands incurred for the same;

b. Full indemnification of the county from all costs and damages that the county might suffer by failure to do so;

c. Full reimbursement and repayment to the county for outlays and expenses the county may incur in making good any noncompliance or nonperformance;

d. The bond shall further be conditioned upon the applicant protecting, defending, indemnifying, and holding harmless the county from any suits, actions, claims, losses, or damage of any character (and from all expenses incidental thereto) based upon or arising out of any damage to person or property caused by or arising from any act, omission, performance, nonperformance of the applicant, its office agents, servants, employees, or others under the applicant's direction and control, but not including the sole negligence of the county;

e. The bond may be secured by a corporate surety licensed to do business in the Florida and approved by the county, or by deposit in a state banking institution, or by real property, pursuant to rule. The bond shall be conditioned so that the surety cannot cancel the bond within less time than ninety (90) days of certified written notice to the Department Director. Any cancellation of the bond shall result in automatic suspension of the operating permit and immediate cessation of all activities;

f. If for whatever reason, the surety contemplating a change to the bond status, termination thereof, or the property owner intends to change the status of the bond or surety companies, the property owner or surety shall notify the Department Director in writing, at least ninety (90) days prior to such action. Said notification shall include all particulars for the proposed change or termination. It shall be the obligation of the property owner to insure continued compliance with this Code at all times. The Department Director shall coordinate with the County Attorney's office to take any necessary and appropriate action in accordance with the provisions of this Section;

g. The surety bonds shall cover that area of land within the permit area upon which the applicant will initiate and conduct activities within the terms of the permit. As succeeding increments of earthmoving and reclamation activities are projected to be initiated and conducted within the earthmoving site plan area, and subsequent to the issuance of additional operating permits, the applicant shall, if necessary, file with the Department Director an additional surety bond or bonds to cover such increments in accordance with this Section. Separate bonds shall also be secured for the principal haul routes to be used by the applicant, subject to the approval of the Department Director. The amount of the bonds shall be one hundred thirty (130) percent of the reclamation cost per acre and roadway section to be bonded, as certified by the applicant's engineer of record, subject to the review and express written approval of the Department Director and the County Attorney; and

h. Unless prohibited by law, an action on this bond may be brought by the county or any other persons entitled to the benefits of the bond at any time within one (1) year of the county's final written acknowledgement of reclamation compliance. The applicant and surety shall be jointly and severally liable under the provisions of the bond, and actions against either or both may proceed without prior action against the other, and both may be jointed in one action. The amount of the bond may be reduced upon final written acknowledgement of reclamation compliance to a minimum of ten (10) percent of the reclamation cost stipulated above.

2. *Forfeiture.* If at any time the county finds that earthmoving activities are not proceeding in accordance with the operating permit and that the applicant has failed, within thirty (30) days after written notice, to satisfactorily undertake corrective action, the county shall initiate proceedings against the bond. Such proceedings shall not be commenced with respect to a surety bond insuring performance until the surety has been given sixty (60) days to commence and a reasonable opportunity to begin and complete corrective action. The county shall initiate such proceedings in any court of competent jurisdiction. In such proceedings, the damages shall include county's costs for engineering, survey, emergency repairs, and a reasonable attorney's fee; provided however, that the damages shall not be limited to the reasonable value of the land prior to the earthmoving activities.

M. **Fees.** A schedule of fees for review of an operating permit shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional, extraordinary cost to the county incurred in the adequate review of all aspects of earthmoving activities, and to ensure the health, safety and welfare of the citizens of Manatee County.

N. **Operating Permit Amendment, Transfer and Renewal.**

1. *Amendment of Operating Permit.* Amendment of an issued operating permit shall follow the same procedures prescribed for the initial submission of the operating permit outline under Section 702.6.

2. *Transfer of Permit.*

   a. Before the transfer of any operating permit, the applicant and the prospective transferee must apply to the Department Director for an amendment to the original application and permit, stating in detail any changes desired in the operating permit.

   b. At the same time as the application for transfer, the prospective transferee must also furnish proof of financial responsibility as is required by Section 702.6.L Financial Responsibility.

   c. If the transfer is approved by the Department Director, it shall be accomplished by the Department Director issuing a "transfer operating permit" to the transferee.

   d. Upon acceptance of the transfer permit, the transferee becomes the applicant under this Section and assumes the responsibility of compliance with all terms of this Section effective on the date of transfer, regulations adopted hereunder, and of the operating permit.

O. **Subsequent Permit Procedures.** At least six (6) months prior to the expiration of the operating permit, the applicant shall submit to the Department Director an application for a new operating permit. Under the provisions of the application, the Department Director shall examine the application as to its completeness, advising the applicant in writing of its completeness or of any inadequacies, deficiencies, or omissions in the application within sixty (60) days of receipt thereof. If the Department Director requests additional information, the applicant shall have thirty (30) days to correct such deficiencies or provide the requested information, or to notify the Department Director in writing that such extension is necessary to prepare the requested information. Upon receipt of the necessary information, in compliance with Department Director requests, the application shall be deemed complete. Within a reasonable period of time following the filing of the complete application, the permit application shall be reviewed by the Department Director. The then current operating permit shall continue in existence until the final decision on the new permit is rendered by the Department Director.

P. **Fees.** A schedule of fees for permit amendment, transfer, and renewal shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional, extraordinary cost to the county incurred in the adequate review of all aspects of the permit

amendment, and to insure the health, safety and welfare of the citizens of Manatee County. Such costs are more justly borne by the applicant, who will receive direct, financial benefit from earthmoving activities in Manatee County.

Q. **Annual Progress Reports and Acknowledgements of Compliance.**

1. *Progress Reports.* Operators holding valid operating permits shall file with the Department Director within forty-five (45) days after the anniversary date of permit approval, a written report, in ten (10) copies, reviewing the reclamation progress for the year preceding the anniversary date, identifying lands reclaimed to date and identifying lands planned for reclamation during the current year. The annual report shall provide all detailed plans for the coming year that were not previously provided in the operating permit application. Financial responsibility shall be reviewed and updated to reflect earthmoving and reclamation progress.

2. *Engineer.* A licensed engineer, commissioned by the applicant and familiar with the applicant's earthmoving activities and site, shall certify in a written annual report to the Department Director that the project is being developed and operated according to the conditions set forth in the approved operating permit and in accordance with generally accepted engineering practices. These reports shall be submitted to the Department Director and reviewed by the appropriate county departments. The operator (applicant) shall also furnish the Department Director with copies of all inspection reports required by and furnished to other regulatory agencies.

3. *Failure to File.* Failure to file the required annual progress report shall be grounds for suspension of the operating permit. An extension of time for filing may be granted by the Department Director upon request for good cause shown.

4. *Fees.* A schedule of fees for the annual progress report shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional extraordinary cost to the county incurred in the adequate review of all aspects of the progress report, and to insure the health, safety and welfare of the citizens of Manatee County. Such costs are more justly borne by the applicant, who will receive direct financial benefit from earthmoving activities in Manatee County. A fee for processing of the annual progress report shall be paid by the applicant at the initiation of such review.

R. **Acknowledgement of Compliance.** Acceptance of reclaimed areas by the Department Director shall be obtained by written application of the applicant to the Department Director, identifying the lands and requesting acceptance within the requirements of this Section. Within a reasonable period of time thereafter, the Department Director shall either give a written acknowledgement of reclamation compliance or advise the applicant in writing why the subject site and haul road fails to meet the reclamation requirements. Approval of completion of reclamation requirements for a given operating permit shall be issued by the Department Director when the required subject site and haul road has been accepted. The bond required by this Section may be revised.

702.7. Administration of this Section.

A. **Prohibitions.** It shall be a violation of this Section and it shall be prohibited:

1. To cause pollution, except as otherwise allowed in this Section, so as to injure human health or welfare, animal, plant, or aquatic life, or property;

2. To fail to obtain any permit or approval required by this Section or by rule or regulation, or to violate or to fail to comply with any rule, regulation, order, permit conditions, or approval adopted or issued by the county pursuant to its lawful authority;

3. To knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Section, or to falsify, tamper with, or knowingly render inaccurate any monitoring device required to be maintained under this Section or by any permit or approval issued under this Section; or

4. To fail to timely inform the county of any significant changes in the approved earthmoving site plan or the terms and conditions of the operating permit. Any change in the location or construction of slime ponds, discharge points or changes reasonably expected to create increases in any air or water pollution shall be deemed significant and a violation of this Section.

B. **Notice of Violation.**

1. The applicant shall provide the Department Director with copies of any notice of violation, noncompliance order, stop-work order, or other written notification by any state or federal agency of any alleged violation of or failure to comply with any law, Code, regulation, or order, within twenty-four (24) working hours of receipt of such notification by the applicant. Failure to provide such copy to the Department Director shall constitute a violation of this Section, subject to all penalties provided hereunder.

2. If at any time during the term of the permit the applicant fails to comply with this Section, with appropriate rules and regulations of other departments of the county, the State of Florida, or the Federal government, or with the terms of the operating permit, the Department Director shall immediately issue an order notifying the applicant in writing of necessary corrective measures to be instituted within a specific period of time. Upon receipt of a Notification of Violation, the applicant shall cease all earthmoving activities until compliance with the county order is confirmed in writing by the Department Director.

C. **Pollution.** No earthmoving activity shall pollute land or water, or damage aquatic or marine life, wildlife, birds, public or private property, or allow any extraneous matter to enter or damage any mineral or fresh water-bearing formation.

D. **Liability.** If pollution or damage occurs, other than such pollution or damage specifically authorized by the applicable earthmoving site plan approval, or operating permit within any earthmoving site; from the operations of any person subject to Paragraph 732.6.3. Pollution, and thereby damages or threatens to damage human, animal or plant life, public or private property, or any mineral or water-bearing formation; said person shall be liable for all costs of clean up or other damages incurred by Manatee County and for damages resulting from injury to others.

E. **Proof.** In any suit to enforce claims of Manatee County or others under this Section, it shall not be necessary for the claimant to plead or prove negligence in any form or manner. The claimant need only plead and prove the fact of the prohibited damage or polluting condition and that it occurred in violation of this Section at the facilities of the person conducting earthmoving operations pursuant to this Section.

F.Asphalt Processing or Manufacturing in Conjunction with Earthmoving of Sand and Shell. Asphalt processing or manufacturing in conjunction with major earthmoving of sand and shell, shall be allowed as an accessory use to major earthmoving of sand provided that such manufacturing facilities are located at least one-half (½) mile from any residence or platted residential subdivision when installed; provided that sand and shell

processing facilities are present on the site; and further provided that no noise, dust, or fumes from such operation are discernible at or beyond the lot line and that the operation meets the air pollution standards of the Florida Department of Health - Manatee County. The process required to establish the accessory asphalt plant shall be the same process required to establish the major earthmoving use, pursuant to Figure 6-1 of this Code. For the purpose of this section, the term "site" may include contiguous parcel(s) in another jurisdiction provided that the total site is under common ownership. Should the major earthmoving activity in both jurisdictions cease operation, the asphalt processing or manufacturing operation shall also cease. In the event that the major earthmoving activities are located in an adjacent jurisdiction, the developer shall submit copies of any reports required by the adjacent jurisdiction to the Manatee Department Director. Upon installation of such plant, the developer shall submit to the Department Director a Certificate of Compliance, signed and sealed by a licensed Engineer, certifying that the installation meets all the above-stated performance standards. Similar Certificates shall thereafter be submitted at yearly intervals, while the plant is in operation.

G. **Modification of Requirements.** In zoning districts where earthmoving is permitted the Department Director may modify any of the requirements of this Section if the Department Director finds that the strict enforcement of such requirements would impose an unreasonable restriction on the use of the property, and that such modification will not adversely affect the health, safety and welfare of the public. In order to obtain such a modification, the person requesting the same shall apply in writing to the Department Director, stating in the application the requirement sought to be modified, any proposed alternative procedure, and facts sufficient to show that such modification shall not adversely affect the interest of the general public. After receiving recommendations from appropriate County departments, the Department Director may either grant, or deny the application for modification.

(Ord. No. 19-03, § 3(Exh. A-7), 3-21-19)

Section 703. Reserved.

Sarasota County Tree Code

ARTICLE XVIII. TREES[1]

Sec. 54-581. Findings of fact and purpose of Article.

(1) *Findings of fact.* The Board of County Commissioners hereby makes the following findings:

(a) Trees produce oxygen, a necessary element for the survival of mankind;

(b) Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;

(c) Trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, and they intercept dust and other particulate airborne pollutants from the air;

(d) Trees play an important role in cleaning stormwater runoff that passes from the surface water to groundwater;

(e) Trees, through their root systems, stabilize the soil and play an important and effective part in Countywide soil conservation, erosion control and flood control;

(f) Mangrove Trees are of special ecological value in stabilizing, building and protecting the shoreline, providing for spawning and breeding grounds for marine organisms and other wildlife, and serving as the basis for most of the estuarine food chains, which are critical to 70 to 90 percent of those species considered important from a recreational and/or commercial standpoint;

(g) Trees are an invaluable physical and psychological addition to the County, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, breaking the visual monotony of Development on the land and providing unique visual character and enhancing property values;

(h) Trees provide wildlife habitat and play other important ecological roles;

(i) The protection of Trees within Sarasota County is not only desirable, but essential to the present and future health, safety and welfare of Sarasota County;

(j) Some Tree species are more deserving of special protection due to their status as a native species, their canopy potential, or their niche within a particular ecosystem. It is not necessary to protect each and every species in order to attain the public benefit of a Tree protection due to a species being an invasive/exotic that destroys native habitats and out-competes native Trees for space and nutrients;

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[1]Editor's note(s)—Ord. No. 2007-091, adopted Dec. 18, 2007, amended art. XVIII in its entirety to read as herein set out. Former art. XVIII was comprised of §§ 54-581—54-599, pertained to the same subject matter, and derived from Ord. No. 83-044, adopted Aug. 2, 1983; Ord. No. 95-022, adopted Feb. 21, 1995; Ord. No. 98-029, adopted June 2, 1998; Ord. No. 2002-002, adopted May 22, 2002; Ord. No. 2002-31, adopted Oct. 9, 2002; Ord. No. 2003-027, adopted Nov. 12, 2003; Ord. No. 2004-039, adopted April 14, 2004; and Ord. No. 2005-061, adopted Nov. 15, 2005.

Subsequently, Ord. No. 2011-023, adopted May 25, 2011, amended art. XVIII, Tree Protection, in its entirety to read as herein set out. Former art. XVIII derived from Ord. No. 2007-091, adopted Dec. 18, 2007; and Ord. No. 2008-041, adopted April 22, 2008.

(k) Some Trees on public and private lands are especially significant due to their character, size, and age;

(l) Grand Trees are an important component of Sarasota County's urban forest, and have a unique and intrinsic value to the general public because of their age, size, and ecological value;

(m) Trees can serve the function of a bio-utility and have numerous economic benefits to the community;

(n) Preservation and maintenance of healthy oaks and other species that comprise Canopy Roads will maintain their historic, aesthetic, cultural and environmental value;

(o) Street Rights-of-Way and other public open spaces provide land which is appropriate, accessible, and highly visible for the planting of Trees and other vegetation;

(p) It is a matter of public policy that the health, safety, welfare, and economic well-being of the residents and property owners of Sarasota County require that the County adopt a comprehensive program for the installation, maintenance, and preservation of Street Trees and other plantings within Sarasota County;

(q) The trimming and alteration of red mangroves (Rhizophora mangle), white mangroves (Laguncularia racemosa), and black mangroves (Avicennia germinans) shall be consistent with the Mangrove Trimming and Preservation Ordinance, as amended (Chapter 54, Article XXXV, of the Sarasota County Code of Ordinances).

(r) To provide for greater efficacy in the protection and regulation of trees, three ordinances were consolidated in Ordinance No. 2011-023, including the following: (1) Ordinance No. 88-02, as amended, commonly referred to as the Street Tree Ordinance; (2) Ordinance No. 2001-041, as amended, commonly referred to as the Canopy Road Ordinance; and (3) Ordinance No. 83-44, as amended, commonly referred to as the Tree Protection Ordinance.

(2) *Purpose.* It is the objective of this article to:

(a) Safeguard the public health, safety, welfare and economy through Tree Protection and to promote the findings of this article by following the provisions contained herein.

(b) Designate, preserve, promote, and protect Canopy Roads in Sarasota County.

(c) Effect and accomplish the planting, maintenance and preservation of Trees and other plantings in Street Rights-of-Way and other public open spaces and to assure all plantings conform to the guidelines for landscape design.

(Ord. No. 2011-023, § 2, 5-25-2011; Ord. No. 2016-064, § 1, 10-10-2016)

Sec. 54-582. Definitions.

The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Administrator. The Sarasota County Administrator, or the administrative official of Sarasota County Government designated by the County Administrator to administer and enforce the provisions of this article.

Agriculture. A commercial enterprise using lands classified by the County Property Appraiser under the agricultural assessment provisions of F.S. § 193.461, for the production and marketing of agricultural products.

ANSI. The American National Standards Institute.

Applicant. Any individual, firm, partnership, corporation, association, organization, trust, company, or any other legal entity that has applied for a Tree Permit or County approval.

*Article.*Chapter 54, Article XVIII, of the Sarasota County Code of Ordinances, as amended by this Ordinance.

ASCA. The American Society of Consulting Arborists.

Board. The Board of County Commissioners of Sarasota County.

Border Trees. Trees that have any part of their trunk (part defined as between 12 inches—54 inches above ground surface), growing on the line established as the outer perimeter of the Canopy Road Zone.

Canopy Road. A Travelway designated by the Board meeting the standards outlined in Section 54-590 of this article.

Canopy Road Protection Zone (CRPZ). A designated section of County Right-of-Way and the adjacent private property extending up to 15 feet laterally from the Right-of-Way onto adjacent Private Property, but in no event extending greater than 15 feet laterally from the edge of the Roadway.

Clear Trunk. The height of the trunk of a palm measured from the ground to the point where the lowest green frond is attached to the trunk.

Clear Zone. The canopy above a Roadway along a Canopy Road trimmed up to 16 feet above road surface for vehicle clearance. It shall also mean the canopy above pedestrian zones trimmed to eight feet above ground surface and two feet laterally from edge of sidewalk.

Comprehensive Plan. The Revised and Updated Sarasota County Comprehensive Plan as adopted under Ordinance No. 89-18, as amended, to comply with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.

Condition Classification. The rating of a plant based on its current structural integrity and state of health as defined by the "Guide for Plant Appraisal" latest edition, published by the International Society of Arboriculture.

County. Sarasota County, Florida.

Development. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels as defined in F.S. §§ 163.3164 and 380.04.

Development Permit. Any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting Development.

Diameter at Breast Height (DBH). The diameter of the trunk measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH.

Drip Line. The circumference around a Tree formed by the outermost branches or portion of the Tree crown to the ground as shown in Figure 1.

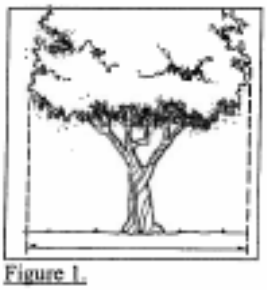

Figure 1.

Emergency. Any manmade or natural disaster that is specifically declared to be an Emergency through a resolution adopted by the Board.

Final Construction Plan. An approval granted pursuant to Chapter 124, as amended, of the Sarasota County Code, the Unified Development Code.

Grand Tree. Any Tree that has been determined by the Administrator to have the characteristics as outlined in this article or any Tree designated a Florida State Champion, United States Champion, or World Champion by the American Forestry Association.

Highway, Street, or Road. A dedicated public way for purposes of vehicular traffic, including the entire area within the Right-of-Way. The term "Street" is generally used for urban and/or suburban areas.

Invasive Plant. Any nonindigenous plant that grows aggressively enough to crowd out Native Plants.

Irreparable Injury. Any action less than Tree Removal that results in irreversible or incurable harm so as to cause the unnatural decline of the Tree. Actions that are Irreparable Injury may include, but are not limited to: inflicting damage upon the root system by heavy machinery, changing the natural grade above the root system or around the trunk, inflicting damage that provides a pathway for infection or pest infestation, application of herbicides or other harmful chemical agents, infliction of trunk wounds, or improper removal of canopy that is generally inconsistent with ANSI A300 standards for Tree care.

ISA. The International Society of Arboriculture.

Land Development Regulations. Sarasota County Ordinance No. 81-12, as amended, or its successor (Chapter 124 of the Sarasota County Code of Ordinances).

Listed Species. Any plant or animal afforded protection pursuant to the Florida Administrative Code, including, but not limited to, species categorized as endangered, threatened, and species of special concern; or any plant or animal categorized as endangered or threatened pursuant to the U.S. Endangered Species Act, or bald eagles protected pursuant to the Bald and Golden Eagle Protection Act or other bird species protected pursuant to the U.S. Migratory Bird Treaty Act.

Lot. Includes "tract" or "parcel" and means the least fractional part of subdivided lands having fixed limited boundaries and an assigned number, letter, or other name through which it may be identified.

Master Tree List. A list maintained by the Administrator of Tree species, suitable and desirable for planting, and recommended according to site location, specifications, use and constraints.

Myakka River Area. The corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in F.S. pt. III, ch. 258, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to F.S. ch. 403, and Chapter 62-340, Florida Administrative Code.

Myakka River Protection Zone. The upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5), measured from the landward edge of the Myakka River Area.

Natural Regeneration. The regeneration of a stand of timber by leaving a minimum of 15 mature healthy trees per acre appropriately spaced to act as seed trees.

Native Plant. An indigenous plant.

Naturalized Plant means a plant that is not native to an area but has colonized without being invasive.

Person. Any individual, government, corporation, partnership, association, firm, trust, or other entity.

Private Property. Any property not owned by the Government including all agricultural, residential, commercial, industrial, office, professional, institutional, or recreational property in unincorporated Sarasota County.

Private Street. Any street that has not been dedicated for public use or not accepted for ownership or maintenance by the Board.

Prune, Pruning, Trim, or *Trimming.* The act of cutting or sawing to remove a dangerous hazard in a Tree, or to maintain or improve the form or health of a Tree, in a manner generally consistent with the American National Standards Institute (ANSI) A300 standards for Tree care operations by doing one of the following: (a) cleaning by removing dead, diseased, or broken branches; (b) thinning by removing density of branches, including for the purpose of creating a vista; (c) raising the crown by removing lower branches to provide for vertical clearance; (d) reducing to decrease height and/or spread of branches; (e) restoration by reshaping the crown after it has been damaged by improper pruning or by a storm. The term does not include those activities that do not specifically improve the form or health of a Tree, including those that constitute Tree Removal or cause Irreparable Injury to a Tree.

Public Places. All lands and Rights-of-Way owned by the County, excluding park lands and lands managed by other County agencies.

Residential Street Tree Program. The County's program to plant, maintain, and protect Trees within the transportation rights-of-way, owned by the County in fee simple, within or surrounding neighborhoods, subdivisions or an area represented by a homeowners' association or council. These Trees are County property and are protected under the provisions of this article.

Right-of-Way. The land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes. Specifically, land owned fee-simple or dedicated by easement to the State, the County and/or municipality devoted to or required for use as a public Roadway.

Right-of-Way Use Permit. Any authorization given to a Person to work in County-maintained Rights-of-Way as defined in Ordinance 81-12 (Chapter 124 of the Sarasota Code of Ordinances).

Roadway. The portion of a Highway, Street, or Road, including the shoulders, for the intended use of Vehicles.

Silviculture. A commercial enterprise controlling the establishment, growth, composition, health, and quality of forests and woodlands of desired characteristics with the intent to produce, reproduce or manage a stand of pines (Pinus spp.) for the eventual sale to a timber company as pulp, paper or other timber products. This includes site preparation activities, prescribed burning and harvesting of Trees for sale.

Stipulation. A statement or a condition issued with a Tree Permit or with an approved plan, with which compliance is necessary for continued validity of the Tree Permit or other approval.

Street Tree. Any Tree that has any part of its trunk located in County transportation rights-of-way, including those Trees planted under the County Street Tree program, or cooperative Residential Street Tree Program. Trees naturally occurring within the transportation rights-of-way, and Trees planted in and around retention ponds and features created solely for the purpose of stormwater management in a road construction or enhancement project.

Topping. Internodal removal of woody branches containing heartwood or cutting back to a lateral branch too small to assume the terminal role as shown in Figure 2.

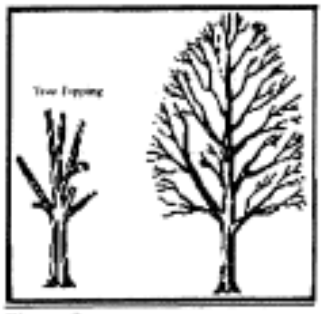

Figure 2.

Travelway. The portion of the Right-of-Way for the movement of Vehicles, exclusive of the shoulders, bike lanes, or gutters.

Tree. A living, woody, self-supporting plant, which when mature will reach ten feet or more in height, having a main stem or cluster of main stems, and any one stem measuring four and one-half inches DBH. Further, for the purpose of this article, all rooted species of mangrove or two-inch DBH scrub oak, including red mangrove (Rhizophora mangle), white mangrove (Laguncularia racemosa), black mangrove (Avicennia germinans), buttonwood (Conocarpus erecta), sand live oak (Quercus geminata), myrtle oak (Quercus myrtifolia), Bluejack Oak (Quercus incana), and chapman oak (Quercus chapmanii) are hereby declared to be Trees, and are hereby protected by the provisions of this article. In addition, all palms with more than four and one-half feet of Clear Trunk are declared to be Trees and are protected by the provisions of this article. This definition includes any tree planted, relocated or replaced pursuant to this article.

Tree Location Survey. A survey that provides the following information: location of all Trees, plotted by accurate techniques, common name of all Trees, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in this article. A site plan printed on an aerial photograph may only be substituted if it is approved by the Administrator prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions (scale: one inch equals 200 feet or less).

Tree Permit. The legal authorization for Tree Removal, Irreparable Injury to a Tree, Tree Relocation, and/or the requirement for Tree Protection and/or Tree plantings on a Lot, Right-of-Way, or easement, or within the CRPZ, pursuant to the provisions of this article. For the purposes of this article, a Tree Permit also includes the legal authorization to remove, disturb, or install shrubs, plants or other vegetation within a Right-of-Way.

Tree Protection. Avoiding direct and indirect damage to Trees.

Tree Relocation. To transplant, reestablish or move a tree to another place within a site or off site.

Tree Removal. To cut down, poison, or in any other manner destroy, or cause to be destroyed, a Tree as defined in this article.

Vehicle. Every device in, upon, or by which any Person or property is or may be transported or drawn upon a Right-of-Way, excepting devices used exclusively upon stationary rails or tracks.

(Ord. No. 2011-023, § 3, 5-25-2011)

Sec. 54-583. Administration.

(1) *Administration.* The Administrator shall be responsible for carrying out the provisions of this article.

(2) *Fees.* The Board is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of administering this article. Any Person who conducts an activity that requires a Tree Permit, without first obtaining a Tree

Permit, shall be required to obtain an after-the-fact Tree Permit and/or mitigate the impact in accordance with this article. Payment shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this article.

(3) *Applicability and Interpretation.*

(a) In the application and interpretation of this article, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this article.

(b) This Article is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions that impose more stringent restrictions on the protection or removal of Trees.

(c) Where this article conflicts with or overlaps another ordinance or statute, whichever imposes the more stringent restrictions for the protection of Trees shall prevail.

(d) Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.

(e) This Article shall be applicable to private and public properties, easements, and Rights-of-Way, as set forth in the provisions of this Article.

(4) *Simultaneous Reviews.* In the event that an Applicant seeks authorization to conduct activities that are subject to overlapping code provisions from different Articles of Chapter 54 of the Sarasota County Code, County staff shall perform simultaneous natural resource reviews to the greatest extent practicable.

(5) *Listed Species.* In cases where impacts to Listed Species may occur, Applicants shall be required to consult with the appropriate Federal and State wildlife agencies, to use recognized sampling techniques as defined by accepted methodology of the agency to identify listed species, and to provide documentation of such coordination and compliance prior to County approval to conduct any activities that could disturb listed species or the habitat.

(6) *Jurisdiction.* The provisions of this article shall be effective throughout the unincorporated area of Sarasota County, Florida. It shall be effective within the incorporated municipalities to the extent that those municipalities adopt the same provisions and provide by interlocal agreement for enforcement by the County. The Board may provide for enforcement within any municipality through an interlocal agreement.

(7) *Annexation.* Where any property permitted under the provisions of this article is annexed into an incorporated area, the governmental body for the incorporated area will enforce any lawful conditions imposed by the County in conjunction with the issuance of land use and development permits unless and until such conditions are modified, changed and/or deleted through the municipality's comprehensive plan and land development regulations. Trees protected pursuant to County-issued permits shall remain protected as part of a municipal-issued development permit or development order, unless modified, changed and/or deleted by the municipality through the municipality's comprehensive plan and land development regulations.

(Ord. No. 2011-023, § 4, 5-25-2011)

Sec. 54-584. Prohibitions.

(1) Unless otherwise exempted or authorized in a Tree Permit in accordance with this article, no Person shall:

(a) Engage in Tree Removal;

(b) Engage in Tree Relocation;

(c) Initiate Development when a Tree exists on a property;

(d) Cause Irreparable Injury to a Tree or Grand Tree;

(e) Cause Irreparable Injury to or Prune a Tree within a Canopy Road Protection Zone or Right-of-Way;

(f) Cause Irreparable Injury to or Prune other vegetation within a Right-of-Way; or

(g) Plant a Tree or other vegetation within a Right-of-Way.

(2) Any Person violating any provision within this article or a Stipulation contained in a Tree Permit or a Development Permit that results in a prohibited activity shall constitute a violation of this article.

(3) No person shall physically impede County staff who are engaged in the planting, maintaining, Pruning, treating, or removing of any Tree or portion of Tree in any public Right-of-Way.

(Ord. No. 2011-023, § 5, 5-25-2011)

Sec. 54-585. Exemptions.

(l) *Exemptions.* The following exemptions exist from the provisions of this article:

(a) *Exotics.* The prohibitions in Section 54-584(1) shall not apply to any Tree species on the most recent Florida Exotic Pest Plant Council Category I list of invasive species. In addition, the prohibitions in Section 54-584(1) shall not apply to any one of the following Tree species: Brazilian Pepper (Schinus terebinthifolius), Punk or Melaleuca (Melaleuca quinquenervia), Australian Pines (Casuarina spp.), Carrotwood (Cupaniopsis anacardioides), Chinaberry (Melia azedarach), Chinese Tallow (Sapium sebiferum), or any Tree species prohibited by the Invasive Plant Species Ordinance No. 90-01, as amended (Chapter 54, Article XIX of the Sarasota County Code of Ordinances).

(b) *Emergencies.* The prohibitions in Section 54-584(1) shall not apply during Emergencies as described herein:

1. No Tree Permit shall be required for governmental personnel or agencies in the performance of their official duties during an Emergency declared by the Board as provided herein.

2. No Tree Permit shall be required when necessary to reestablish electric service during or immediately after a severe weather event or other electrical Emergency situation.

3. When it is necessary to expedite the removal of damaged or destroyed Trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the Board may by resolution declare an Emergency, and suspend the requirements of this article for a period of up to 30 days in the affected areas.

(c) *Agricultural Activities.* The prohibitions in Section 54-584(1) shall not apply to a Lot or portion thereof that is classified by the County Property Appraiser prior to any Tree removal as bona fide agricultural land under the agricultural assessment provisions of the Florida Right to Farm Act, F.S. § 193.461, where Tree Removal is undertaken or Irreparable Injury is caused solely for Agricultural or Silvicultural purposes. This exemption shall not apply to any Tree Removal or Irreparable Injury in preparation for, or in anticipation of, any Development or any construction of nonagricultural improvements. For the purposes of this article, evidence of such preparation or anticipation includes submittal of an application for a building permit for nonagricultural use, a special exception, a rezone, a Development of Regional Impact, a site and development plan, a preliminary subdivision plan, a conceptual Development plan, or other Development approval. Other than for properties that are sold to settle an estate, submittal of plans listed in this section within six years of the date of Tree Removal or Irreparable Injury would invalidate this exemption and require an after-the-fact Tree Permit and/or

mitigation in accordance with the provisions of this article. Additionally, no Development Permit application shall be reviewed or a Development Permit issued for the property until such corrective action is taken.

1. Nothing herein shall be construed to affect the right of any Person engaged in the commercial enterprise of Agriculture or Silviculture. Any stand of timber that is harvested in the Myakka River Protection Zone shall be regenerated either by replanting, natural regeneration or by leaving a sufficient number of young Trees to replace the stand of timber.
2. This exemption does not apply within a wetland or watercourse buffer required by the County.
3. The Administrator may grant a limited exemption for Tree Removal associated with a property owner restoring a previous Agricultural exemption from the Sarasota County Property Appraiser.

(d) *Nurseries.* The prohibitions in Section 54-584(1) shall not apply to plant or Tree nurseries for those Trees grown on the premises specifically for sale to the general public in the ordinary course of such plant or Tree nurseries' businesses.

(e) *Certain Residential Lots.* The prohibitions in Section 54-584(1) shall not apply to owner-occupied residential Lots of five acres or smaller, after a certificate of occupancy has been issued for the residential dwelling(s) on that Lot. For owner-occupied residential Lots larger than five acres, no Tree Permit is required where the Tree is located within 150 feet of the residential dwelling after the certificate of occupancy is issued for the residential dwelling(s) on that Lot. This exemption shall not apply in conservation or preservation areas, or to Trees planted or relocated pursuant to a Tree Permit, or where the residential dwelling is to be demolished and reconstructed. This exemption does not apply to any Grand Tree on all properties. This exemption shall not apply within the Myakka River Protection Zone, except on lots that are a minimum of 2,200 feet from the bank of the main stem of the Myakka River. On those lots, no Tree Permit is required for Tree Removal or Irreparable Injury landward of the watercourse buffer. This exemption does not apply to Trees within a CRPZ.

(f) *Roads, Utilities, and Stormwater Construction.* Tree Removal and Tree Relocation necessary for the construction of Sarasota County, State, and federal roads, utilities, or stormwater facilities. This exemption does not apply to any Grand Tree and this exemption shall not apply within the Myakka River Protection Zone or a CRPZ.

(g) *Roads, Utilities, and Stormwater Maintenance.* Tree Removal and Tree Relocation necessary for the maintenance of existing roads, utilities, landscaping, or stormwater facilities within rights-of-way and easements, or to comply with state technical specifications (e.g., for sight clearance), performed or contracted by a duly constituted communication, water, sewerage, stormwater, electrical, other utility or government entity or pursuant to an approved Sarasota County Neighborhood Initiative Grant for work within a public right-of-way. This exemption does not apply to any Grand Tree and this exemption shall not apply within the Myakka River Protection Zone or a CRPZ.

(h) *Pruning and Maintenance.* The prohibitions in Section 54-584(1) shall not apply to Government personnel conducting Pruning and maintenance activities. No Tree Permit is required for the Pruning and maintenance of any Tree on a private Lot, except when the Tree is located within a CRPZ or Right-of-Way, or if the Pruning of a Grand Tree does not meet the standards provided in Section 54-588.

(i) *Tree Planting.* Except in a Right-of-Way, no Tree Permit shall be required for the planting of any Tree.

(j) *Habitat Management and Restoration.* Tree Removal and Tree Relocation necessary for native habitat management and environmental restoration activities conducted by a governmental agency. This exemption does not apply to Grand Trees.

(Ord. No. 2011-023, § 6, 5-25-2011; Ord. No. 2015-093, § 2, 1-26-2016)

Sec. 54-586. Permitting criteria and procedures.

(1) *Tree Permits Required.* All Persons must obtain a Tree Permit before conducting any of the activities listed in Section 54-584(1) of this Article and with all new Development, unless the activity qualifies for an exemption under Section 54-585 in this Article.

(2) *Criteria for Tree Permits.* The Administrator and Board shall apply the following criteria in deciding whether to issue a permit, and on any appeal of an Administrator's decision denying a permit, respectively.

(a) No Tree Permit shall be granted where the Applicant has failed to implement the principles of avoidance and then minimization of adverse impacts to Trees. For example purposes, avoidance and minimization may include but not be limited to: alternative site designs, stem walls, root pruning, bio-barriers, other techniques to divert root systems, etc.

(b) No Tree Permit shall be granted unless the Development application or proposed activity is consistent with the permitted use of the property under the County Zoning Ordinance, as amended, or municipal zoning ordinance, if applicable.

(c) Development applications first submitted after October 30, 2002, shall be designed to protect Grand Trees. Exceptions may only be made for one of the following:

1. *Existing Lots.* An existing lot shall mean a Lot existing as of January 31, 2023:

    a. Safety reasons; or

    b. If the Applicant can clearly demonstrate to the satisfaction of the Administrator during permit review, or the Board on appeal, respectively, that setting aside the space necessary to protect a Grand Tree would unreasonably prevent the Development of a Lot.

2. *New Lots.* A new lot shall mean a Lot created after January 31, 2023:

    a. Safety reasons; or

    b. Grand Tree is located in a required access point to a Lot with no other reasonable alternative access point as determined by the Code Administrator in consultation with the Sarasota County Engineer;

    c. If the Applicant can clearly demonstrate to the satisfaction of the Administrator during permit review, or the Board on appeal, respectively, that setting aside the space necessary to protect a Grand Tree would unreasonably prevent the Development of a Lot.

(d) Tree Permits must be consistent with the Environment Chapter of the Comprehensive Plan and shall be issued only where:

1. Trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;

2. Trees pose a safety hazard to people, buildings, structures, Vehicles or other improvements;

3. Trees completely prevent access to a Lot;

4. Trees unreasonably prevent Development of a Lot or the physical use thereof;

5. State or local regulations require fill to the extent that Trees cannot be saved and the required elevations are certified by the project engineer; or

6. Trees are diseased or are weakened by age, storm, fire, or other injury, or as a result of suppression by other Trees or vines, or site conditions, to the extent that they have lost most of their function and value, or pose a danger to Persons, property, utilities, sidewalks, streets,

sewers, other facilities, improvements or other Trees, if so determined by the Administrator, or by the Board on appeal, respectively. No permit shall be granted for the removal of any Tree if the hazard can be abated by any other reasonable means.

(3) *Procedure.* When a Tree Permit is required, an application meeting the requirements of this subsection and Appendix I shall be submitted for review by the Administrator. The written application shall constitute authorization for County staff to enter the Lot to conduct inspections to determine if the Applicant is in compliance with the provisions of this Article.

(a) *Tree Permits Associated with Development and Right-of-Way Use Applications.* A Tree Permit is required before any construction activity and/or the removal of native vegetation within the Drip Line of a Tree on any Lot where Development will take place or in any Right-of-Way. An application shall be submitted to the Administrator prior to or concurrent with the submission of preliminary subdivision plans, or a site and development plan, or an application for a building permit, or a Right-of-Way Use Permit, whichever is first required. Where Development requires approval under the Land Development Regulations, a Tree Permit shall not be issued until after Final Construction Plan approval is granted through the Land Development Regulations process.

(b) *Pre-application inspection service.* The Administrator shall be available for preapplication conferences or inspections of the site involved.

(c) *Time frames.* Upon receipt of an application, the Administrator will conduct a sufficiency review including a field inspection to determine if the application is complete, and if the proposed plan is in compliance with the provisions of this Article. If the application is not complete, the Administrator may request additional information, to be completed by the Applicant within a time frame specified in the request. The application review for single and two-family Lots will be made within four working days of receiving a completed application. The application review for all other parcels will be made within seven working days of receiving a completed application. Upon completion of the review, the Administrator will notify the Applicant that the application is either insufficient, or does not comply with the provisions of this Article, or that the Tree Permit is approved, or approved with Stipulations.

(d) *Permit Amendments.* Should an additional Tree or Trees need to be removed after a Tree Permit has been issued, the Applicant must obtain an amended Permit prior to the removal of the Trees. Any Tree Removal or Tree Relocation conducted prior to obtaining an amendment is a violation of this Article.

(e) *Dead Trees.* If a Tree dies after a Tree Permit has been issued and prior to the issuance of a certificate of occupancy or certificate of completion, the Applicant shall notify the Administrator and request an inspection, prior to the removal of the dead Tree(s). An inspection by County staff will be made within two days of notification by the Applicant. Failure to notify the Administrator prior to the removal of any dead Tree constitutes a violation of this Article. If the Tree death can be attributed to anthropogenic (man caused) activities, as determined by the Administrator, Tree mitigation shall be required.

(f) *Final Inspections.* All Tree Permits will require, as a general condition, a final inspection to ensure compliance with the provisions of this Article. Final inspections shall be scheduled by the Applicant after the final grade is complete. Final inspections will be completed by County staff within three working days after notification by the Applicant.

(4) *Grand Tree Designation.* The standards set forth in Schedule A and Schedule B shall provide the parameters for Grand Tree designation in the County. Additionally, all Grand Trees shall have a 70 percent or greater Condition Classification.

Schedule A.

Species	Minimum Points Needed to be a Grand Tree
American Elm (Ulmus americana)	100
Bald Cypress (Taxodium distichum)	100
Hickory (Carya spp.)	100
Live Oak (Quercus virginiana)	100
Pine (Pinus spp.)	100
Redbay (Persea borbonia)	85
Sand Live Oak (Quercus geminata)	80
Southern Magnolia (Magnolia grandiflora)	80
Southern Red Cedar (Juniperus silicicola)	90
Sugarberry (Celtis laevigata)	95
Sweetbay (Magnolia virginiana)	90
Sweetgum (Liquidambar styraciflua)	100

Schedule B.

Measurements	Points
Trunk diameter (DBH)	one point per inch
Height to the nearest foot	one point per foot
Average canopy spread to the nearest foot (measure the longest and shortest diameters of the limb spread or Drip Line and divide by 2)	one point for each four foot

(Ord. No. 2011-023, § 7, 5-25-2011; Ord. No. 2022-100, § 2, 1-31-2023)

Sec. 54-587. Public Education.

(1) The Administrator shall develop a process to identify Grand Trees within the jurisdiction of this article and conduct a public relations and education program to recognize, promote, identify, and preserve Grand Trees within the County. This program shall provide the citizens of the County with the awareness and technical assistance necessary to preserve Grand Trees within the County and shall notify the owner of Grand Tree designation as identified on the current annual tax roll by regular U.S. mail.

(Ord. No. 2011-023, § 8, 5-25-2011)

Sec. 54-588. Best Management Practices.

(1) *Standard Best Management Practices.* The following Best Management Practices shall be applicable to all Tree Permits, unless specified otherwise herein. These standard Best Management Practices shall also be

applicable to all activities that affect Grand Trees, Trees located within a CRPZ, and Trees located within public Rights-of-Way, regardless of whether a Tree Permit is required for the proposed activity.

(a) Prior to commencing work and throughout the duration of the authorized activity, the owner, developer, contractor or agent shall clearly mark (with red flagging) all Trees proposed to be removed and shall erect barricades around all Trees to be protected. The barricades must remain in place and be in good condition throughout the duration of the authorized activity. Barricades may be removed for the final grading. Removal of other vegetation within the protected zone may be accomplished only if authorized by the Administrator and only by mowing or hand clearing. Where unauthorized removal of native vegetation within the protected root zone occurs, the Administrator may require the replanting of understory vegetation. If improvements are to be located within the protected zone of Trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The Applicant, owner, developer, contractor or agent shall not cause or permit the movement of equipment, or the storage of equipment, material, debris, or the placement or grading of fill to be placed within the required protective barrier.

(b) Throughout the duration of the authorized activity, the owner, developer, contractor or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of debris, fill, waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the Drip Line of any Tree or clump of Trees or within any native habitat or buffer.

(c) No damaging attachment ropes or wires (other than supportive measures for a Tree), signs, posters, handbills, Tree Permits or other things may be fastened to any Tree. No gaseous, liquid, or solid substance which may be harmful to Trees shall come into contact with any portion of the Tree except pursuant to authorization under the provisions of this article or other County regulations.

(d) Protective barricades for Trees other than Grand Trees shall be installed no closer than the Drip Line of the Tree. Barricades may be placed three feet from the trunk of palms. Barricades shall be constructed in a post and rail configuration. The upright posts shall be a minimum of a two by two-inch (common industry standard) wooden stake, four feet long. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three feet above the ground. A minimum of a one by four-inch (common industry standard) wooden board shall be used to connect the upright posts. Silt barriers or snow fencing may be substituted upon approval by the Administrator. The maximum distance allowed between upright posts is eight feet. More protective barricades may be substituted with the approval of the Administrator.

(e) Silt barriers, hay bales, or similarly effective erosion control barriers will be required in any area where erosion or siltation may cause damage to Trees.

(f) Where elevation changes are proposed within the protected zone of Trees, the Applicant will be required to justify the need for the elevation change and install retaining walls or drain tiles unless the Applicant demonstrates that such protection would be impractical. The Applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the protected zone.

(g) The Administrator shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.

(h) The Administrator may allow certain activities to be conducted within the barricaded Drip Line of a Tree, so long as the County determines that the Tree will not be adversely affected.

(i) No Person shall deposit, place, store, park, or maintain upon any Tree or within the Drip Line of any Tree, or other plantings, planted in a public Right-of-Way or other Public Places, any Vehicle, stone, brick, concrete, soil, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any Tree growing therein, except by written authorization of the Administrator.

(j) All Trees located within public Rights-of-Way shall be protected from all digging or trenching activity within the Drip Line of any Tree. The use of tunnels or directional bores shall be required of all Persons working in a County Right-of-Way unless the Applicant demonstrates the additional cost of the tunnel or bore will exceed the appraised value of the Tree. Tree values shall be established by the most current version the International Society of Arboriculture valuation system. The tunnel or directional bore shall start at one-half the Drip Line area or six feet (whichever is greater) from the basal flare of the Tree and end in the same dimension on the opposite side of the basal flare of the Tree.

(2) *Grand Tree Best Management Practices.*

(a) *Grand Tree Protection.* During Development all areas within the Drip Line of every Grand Tree shall be protected from activities that may disturb or injure the tree, (such as, but not limited to, cut and fill activities, building pad placements, Travelway construction, construction material storage, driving or parking of equipment, trenching, etc.). The Administrator shall issue written conditions for work within the Drip Line of a Grand Tree only when an arboricultural plan has been approved.

(b) *Proper Grand Tree Care: Canopy and Root Pruning.* When activities affect a Grand Tree within the Drip Line or when pruning must be performed on the crown of a Grand Tree, the following arboricultural techniques are required:

1. Roots must be severed by clean Pruning cuts. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, Pruning saw or other equipment designed for Tree Pruning. Root pruning shall be to a depth of 12 inches below existing grade or to the depth of the disturbance if greater than 12 inches below the existing grade. When underground utilities are to be installed through the Drip Line, root pruning requirements will be waived if the lines are installed via tunneling or directional boring as opposed to trenching.

2. All Pruning of Grand Trees shall conform to the latest edition of the ANSI (A300 Standards).

3. Neither canopy and/or root pruning can declassify a Tree from Grand Tree status. If Pruning activities have been conducted prior to the Administrator's determination regarding the classification of the Tree and the Tree would have met the requirements to be classified as a Grand Tree, the Administrator may classify it as such.

(c) *Grand Tree Protection Barrier Requirements.* During Development activities or any other potential disturbance that will impact the area within the Drip Line of any Grand Tree, protective barriers shall be placed around each Grand Tree to prevent the destruction or damaging of roots, stems, or crowns of such Trees. Barriers shall remain in place and intact until the work is completed. Barriers may be removed temporarily to accommodate construction needs, provided that the manner and purpose for such temporary removal will not harm the tree and is approved by the Administrator. The following are the minimum requirements for protective barriers:

1. Protective posts shall be placed at the Drip Line of each Grand Tree, except when a plan has been approved by the Administrator to place the posts closer to the trunk.

2. Posts shall be a minimum of two by four inches or larger wooden post and shall be connected with a minimum of at least a one by four-inch wooden board and shall be clearly flagged. Other similar methods, such as construction fencing, may be permitted if approved in writing by the Administrator in advance of installation. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three feet above the ground. Silt barriers and snow fencing may be a substitute at the discretion of the Administrator.

3. Where Development activity is permitted within the Drip Line of a Grand Tree, the Administrator may require additional Tree Protection provisions to be incorporated in the conditions of the Tree Permit to assure the protection of the Grand Tree.

4. Where elevation changes are proposed within the Drip Line from the trunk of any Grand Tree the applicant will be required to install retaining walls or drain tiles unless the applicant demonstrates such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil within the Drip Line from the trunk.

5. A sign shall be installed at the edge of each Grand Tree barricade stating, "No activities are allowed within barricaded area, unless approved by the County." The text on the sign shall be written in English and Spanish. The Administrator may require a barricade sign for other types of Trees based on the site-specific conditions and when there is a higher potential for adverse impacts to a Tree.

(3) *Canopy Road Best Management Practices.*

(a) All Pruning of Trees within a CRPZ shall conform to the latest edition of the ANSI A300 Standards and does not compromise the integrity of the canopy to shade the road.

(b) *Requirements for utility pruning.* Franchised utilities must conform to current ANSI A300 standards when performing line clearing work in CRPZ to balance the requirement to preserve Canopy and maintain safe, reliable electric service.

1. Franchised utilities must notify the Administrator by e-mail or mail three business days prior to any maintenance utility line clearing work in Canopy Roads.

2. Franchised utilities must have an ISA certified Arborist directing the pruning of Trees in a Canopy Road.

3. Utility pruning should only provide minimum safe clearance to protect utility lines with consideration for the combined movement of the conductors near Trees in severe weather, the species of the Tree, and the voltage of the conductor where applicable.

(c) *Proper Tree Care; Canopy and Root Pruning.*

1. When activities affect the Tree so that more than 25 percent of the area within the Drip Line is impacted or when Pruning must be performed on the crown of a Tree, the following arboricultural techniques are required:

a. When more than 25 percent of the area within the Drip Line will be impacted, the affected roots must be severed by clean pruning cuts where the activity impacts the roots. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for Tree Pruning. Roots within the Drip Line must be pruned to a depth of 12 inches below existing grade or to the depth of the disturbance if less than 12 inches from the existing grade. When underground utilities are to be installed through the Drip Line, root pruning requirements may be waived if the lines are installed via tunneling or directional boring as opposed to trenching.

b. All Pruning of Trees shall conform to the current ANSI A300 standards and be supervised by an ISA certified arborist. There shall be no flush cuts, stub cuts, or lion's-tailing of the Tree's crown.

c. It shall be a violation of this article to perform the techniques of Topping or other Pruning techniques that remove the vertical leader stems or other pruning that result in an unnecessary reduction of shade of Trees in the Tree Permit area.

(Ord. No. 2011-023, § 9, 5-25-2011)

Sec. 54-589. Tree planting, relocation, or replacement.

(1) *Conditions.* As a condition of granting a Tree Permit, the Applicant may be required, where practical, to plant Trees, relocate the Tree(s) being removed or replace the Tree(s). The replacement(s) shall: have at least equal shade potential and other characteristics comparable to those of the Tree(s) removed, be a minimum of eight feet high at time of planting, have the potential of at least a 15-foot crown, be a species protected by this Article, and be Florida Department of Agriculture Nursery Grade #1 or better. A Master Tree List of acceptable replacement Trees will be on file in the Administrator's office, and will be attached to Tree Permits that require planting. Alternatives with respect to size and species may be approved if the Applicant demonstrates that such substitutions will be consistent with the purposes of this Article. Written approval from the Administrator is required prior to planting any alternative Tree.

(2) *Tree planting.*

(a) *Residential Development.* For all residential Development, the following Tree planting requirements shall be applicable:

1. *Tree Permits with Tree Removal.* In connection with the removal of any Tree(s) for residential Development pursuant to a Tree Permit, a minimum number of replacement Trees shall be required based on the following square footage areas. A minimum of one Tree will be required for each 2,000 square feet of the parcel for which a Tree Permit has been issued.

a. *Trees within a CRPZ.* For Tree Removal within a CRPZ, the Tree planting ratio contained in 54-589(2)(a) may not be applicable. The Administrator shall determine on a case by case basis whether replanting is practical and necessary to maintain the value and function of the Canopy Road.

b. *Trees within a Right-of-Way.* For Tree Removal within a Right-of-Way, there is no replanting requirement.

(b) *Tree Permits on Properties with No Trees.* When residential Development is proposed on a property with no existing Trees, the following Tree planting requirements shall be applicable:

1. *Residential Properties.*

a. *Less than one-half acre.* One Tree shall be planted for each 2,000 square feet of the property.

b. *Greater than one-half acre.* A minimum of 11 Trees shall be planted.

c. *Alternative to planting on residential lots.* When subdividing a property, the Administrator may approve a request to plant Trees on a common tract or tracts within the same subdivision in lieu of planting on Lots, or a combination thereof. The total amount of Trees planted for the subdivision, shall be equal to or greater than one Tree planted for each 2,000 square feet for all of the residential Lots combined that are located within the subdivision. If this alternative is proposed, the following criteria shall apply:

(i) The planted Trees shall not be located within a preservation area;

(ii) The planted Trees shall be located adjacent to a native habitat area or a community park; and

(iii) The planted Trees shall be required to be maintained in perpetuity.

(c) *Tree Permits with No Impacts to Trees.* When residential Development is proposed on a property with existing Trees, but no impacts are proposed, the Applicant shall adhere to the requirements contained

in Section 54-589(2)(b). Native Trees in good condition protected as part of a Tree Permit may be counted toward the total number of Trees required to be planted.

(d) *Commercial Properties.* For all commercial Development, the following Tree planting requirements shall be applicable:

1. *For all new commercial Development.* One Tree shall be planted for each 2,000 square feet of the property. Native Trees in good condition protected as part of a Tree Permit may be counted toward the total number of Trees required to be planted.

2. *For expansions or additions to existing commercial Development.* The Tree planting requirements contained in 54-589(2)(d) will be calculated based on the square footage of the new impervious area of the Lot being developed. For determining Tree planting requirements, new shell parking areas are considered impervious.

(e) *Grand Trees.* All Grand Trees shall be replaced on a DBH inch for DBH inch basis. When the Administrator determines that site-specific conditions limit or prevent the replacement of Trees on-site (e.g. exceeding the one Tree for each 2,000 square feet replanting requirement), the applicant shall pay into the reforestation special revenue fund based on the following schedule:

1. *Existing Lots:* $200.00 per DBH inch not replanted on site. For every 25% of the total DBH inch that is replanted on site, the $200.00 fee, is reduced by $50.00. All calculations are to be rounded down in consideration of replanting.

2. *New Lots:* $400.00 per DBH inch not replanted.

(f) *Excavations.* For excavations of greater than 50,000 cubic yards, and for which a minor or major earthmoving permit is issued pursuant to Chapter 54, Article XII of the Sarasota County Code of Ordinances, the replanting requirement shall be reduced to a minimum of five Trees per acre, except that all such excavations that were issued earthmoving permits prior to June 8, 1998, shall not be subject to these replacement requirements. However, any Tree(s) left in good growing condition on the site shall be counted toward these minimum numbers.

(g) *Replacement Tree Selection.* Selection of replacement Trees, their number and species shall be determined by analysis of Tree canopy cover, spatial limitations, other characteristics and soil conditions of the Lot.

(h) *Tree Planting Requirements.* The following shall be applicable to all Tree plantings required pursuant to this Article:

1. Replacement Trees shall be a species of similar height and crown spread, Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services). All replacement Trees shall be a minimum of eight feet in height when planted, and have a trunk diameter of at least two inches (measured at six inches above the ground). Trees must be a minimum of 25-gallon container size or have a minimum two-foot root ball if field grown.

2. Trees shall be placed so that they will develop freely and at maturity will not crowd utility lines or other structures. The root ball must be planted at the proper height and in accordance with accepted nursery standards. Trees shall have a mulched bed a minimum of three feet in diameter and three inches deep to conserve water and promote growth.

3. If Trees need to be staked, it shall be done in a manner that will not injure the Tree. The straps attached around the trunk shall be a broad, soft material and shall be tied loosely enough to allow movement of the trunk in the wind.

4. If greater than ten Trees are required to be planted on a site, a minimum of three species shall be planted with no one species comprising more than 50 percent of the total numbers of Trees planted.

(i) *Single-Family Tree Plantings.* For single-family platted Lots, the Administrator may approve the on-site relocation of a Tree planted pursuant to a Tree Permit. The County may also approve a different species of Tree to be replanted.

(j) *Tree planting and other landscaping within a Right-of-Way.* When private installation of Trees or landscaping within a Right-of-Way is proposed, a maintenance agreement will be required in addition to a Right-of-Way Use Permit. The maintenance agreement shall be in a form satisfactory to the Administrator and may include insurance, performance assurances, and other provisions deemed necessary by the Administrator to protect the interests of the public.

(3) *Tree bank.* Where a Tree(s) is (are) to be removed under the provisions of this article, the County shall have the option, with the Applicant's permission, to relocate the Tree(s) (not being relocated within the property) at the County's expense. If the County does not elect to relocate any such Tree, it may give the School Board or any municipality within the County the right to acquire any such Tree(s) at the School Board's or municipality's expense for Relocation. The relocation shall be accomplished within 15 working days of the issuance of a Permit, unless it is necessary to root prune the Tree(s) to assure survival, in which case the relocation shall be accomplished within 30 working days of the issuance of a Permit or other suitable schedule as agreed to by the Applicant and Administrator.

(4) *Credit for other plantings.* Trees planted in compliance with the requirements of the Unified Development Code (Chapter 124, as amended, of the Sarasota County Code of Ordinances) and landscaping requirements of the Unified Development Code (Chapter 124, as amended, to the Sarasota County Code of Ordinances) may be used to help satisfy the requirements of this section.

(5) *Timing.* Trees required to be planted in accordance with this section shall be in place prior to the issuance of a certificate of occupancy. In the event that Trees have been removed pursuant to a Tree Permit, but Development does not commence within the timeframe specified pursuant to the Development Permit, the Administrator may require replanting at a specified time or a mitigation payment in accordance with this Article.

(6) *Location.*

(a) Tree plantings shall not be located closer than three feet to any property line, or six feet from any utility line or County easement. Trees shall not be planted underneath or near utility lines unless they are a species that, when mature, will not interfere with the utility line.

(b) The planting site must have sufficient root zone and canopy space to reasonably allow the Tree(s) to grow to a mature size.

(c) A canopy Tree shall be planted no less than eight feet and no more than 15 feet from the Right-of-Way when determined to be feasible by the Administrator. The Administrator may require an alternative planting location elsewhere on the Lot based on site-specific environmental features.

(7) *Tree survival.* Consultation with the Administrator is recommended during the entire Tree planting program. All Trees relocated or replaced in accordance with the terms of this Article shall be replaced by the current property owner should the Trees expire anytime within seven years after planting, unless a Tree has expired due to a natural fire, lightning event, or hurricane event, as determined by the Administrator.

(Ord. No. 2011-023, § 9, 5-25-2011; Ord. No. 2018-047, § 3B., 11-27-2018; Ord. No. 2022-100, § 3, 1-31-2023)

Sec. 54-590. Canopy Road Designation.

(1) The Board is authorized to designate roads as Canopy Roads and set standards for the implementation of this article. Such standards shall be set by resolution after an advertised public meeting. Requests for Canopy Roads can be made by property owners residing on a potential Canopy Road, residents of the County, County staff, and the Sarasota Tree Advisory Council or other appropriate Sarasota County Advisory Council. Prior to the advertised public meeting, a written public meeting notice shall be provided to property owners residing on a potential Canopy Road and the appropriate neighborhood associations. The public meeting notice shall detail the Canopy Road standards that would become applicable if the road was designated a Canopy Road. In addition, a public meeting notice shall be posted on the potential Canopy Road a minimum of 15 days prior to the public meeting. Requests will be coordinated and brought to the Board by the Administrator for approval.

(2) Canopy Roads shall have characteristics as set forth below.

   (a) A Canopy Road shall have a minimum of 50 percent overhead coverage, per section of Travelway as measured by branching, Drip Line, shadows, and other visual cues. Evaluation shall be based on Tree canopy coverage as a percentage of overall Travelway length, on canopy condition and composition; and

   (b) A Canopy Road shall consist of a minimum of 75 percent Native Plant species and Naturalized Plant species; and

   (c) A Canopy Road may be composed of more than one segment of differently named roads providing they are contiguous.

(3) Canopy Roads shall have appropriate signage to delineate the limits of the Canopy Road.

(Ord. No. 2011-023, § 10, 5-25-2011; Ord. No. 2015-079, § 2, 11-17-2015)

Sec. 54-591. Compliance and enforcement.

Sarasota County has the authority to enforce any permit or stipulation, as well as any provisions of this article per Chapter 2, Article VIII, of the Sarasota County Code of Ordinances and per provisions of the F.S. ch. 162.

(1) *Civil and Administrative.*

   (a) The Administrator may withhold issuance of a permit or deny an application or other authorization if there is an existing unresolved violation of the Sarasota County Code of Ordinances on the subject property.

   (b) The Administrator will issue a stop work order when it has been determined that work at the site:

      1. Is proceeding in violation of this article, a Permit or other authorization issued hereunder or proceeding without any required authorization; or

      2. Poses an imminent and significant hazard to the public health, safety, or welfare, or to the environment.

   (c) The County may issue an after-the-fact authorization to correct a violation when the following has been determined:

      1. The activities can meet all of the standards in this article at the time the Tree(s) was (were) removed.

      2. The activities can be authorized without approval by the Board.

(2) *Enforcement and Penalties.*

(a) A violation of any provision of this article shall be processed according to Chapter II, Article VIII, of the Sarasota County Code of Ordinances and per provisions of the F.S. ch. 162. Each day of any such violation shall constitute a separate and distinct offense.

(b) The Administrator may require corrective actions through a consent decree, including, but not limited to, restoration of any native habitats impacted as a result of the violation activities. The Administrator may also require monitoring in accordance with the standards established within the Land Development Regulations [Unified Development Code, Chapter 124, Articles 12, 13, 17 and 18 of the County Code]. If a compliance case ends up in a court of competent jurisdiction, the Administrator may require the violator to pay attorneys' fees.

(c) *Tree Removal or Irreparable Injury Violations on Private Property.* The Administrator may require a violator to mitigate any Tree removed or Irreparably Injured without authorization by either of the following alternatives:

1. Replanting a Tree of twice the size and type on the property. The Applicant may choose to mitigate the violation by replanting the same type Trees with three-inch diameter or greater, in a sufficient number such that the total number of DBH inches of the replanted Trees equals twice the total number of DBH inches of Trees removed or Irreparably Injured without authorization. Trees shall be Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services).

    a. In lieu of replanting, or combination thereof, the Applicant may choose to mitigate the violation by paying a mitigation fee of $200.00 per diameter inch of the Trees removed or Irreparably Injured without authorization.

2. Any Grand Tree removed or Irreparably Injured in violation of this article or any Tree Permit issued hereunder shall be mitigated by paying a fee equal to $500.00 per DBH.

(d) *Tree Pruning Violations.* Any Tree Pruned inconsistent with the requirements of Section 54-588 shall be mitigated by a fine not to exceed $500.00.

(e) *Violations in Rights-of-Way and other Public Places.* Any Tree removed or any action which causes the removal or death of a Tree in violation of the provisions of this article, or any Tree Permit issued thereunder, may be mitigated by paying a fee of $200.00 per diameter inch of the Tree(s) removed.

(f) Administrative costs, fees and penalties collected as part of enforcement of this article shall be placed in the County's reforestation special revenue fund, as established in Resolution No. 95-031. This fund shall be used only for the purposes of acquiring, planting, and protecting Trees within the County. A maximum often percent may be used to recover costs of administration and enforcement of this article. Any mitigation fee imposed by a hearing officer or Special Master shall be deposited into the reforestation special revenue fund. The Fund shall be kept and maintained by the Clerk of the Board.

(g) In the event that a violator engages in a Tree Removal without a Tree Permit and thereafter clears the land of stumps, the County's calculation of the number of trees removed and estimation of DBH for those trees through aerial photography and other evidence is entitled to a rebuttable presumption of correctness due to spoliation of the evidence of removal.

(3) *Disbursement of Reforestation Special Revenue Funds.*

(a) The County Administrator or designee shall have the authority to disburse funds for projects in accordance with the following criteria:

1. Projects shall involve plantings on publicly owned land.
2. Projects shall not be used to satisfy any landscaping required per the Unified Development Code (Chapter 124, as amended, of the Sarasota County Code of Ordinances).
3. Projects may include enhancement or restoration of native habitats, not required through permitting or regulation.

(4) *Enforcement of Code by other means.* A violation of any of the provisions of this article or of any regulations adopted or Tree Permit Stipulations approved pursuant to this article shall be punishable in the same manner as a misdemeanor as provided by law.

(5) *Responsible parties.*

(a) The property owner, contractor, service provider retained by the Applicant, or their representative, to conduct work covered by this article are jointly responsible for any activities authorized pursuant to this article.

(b) Prior to receiving the Tree Permit, the property owner(s) and the contractor conducting the work must submit a signed form provided by the County attesting that the County permit has been received and all conditions or stipulations are acceptable.

1. Failure to sign the form will terminate the Tree Permit and may require reapplication.
2. The property owner(s), contractor, or service provider, or Applicant, may decline to accept the permit by notifying the County in writing within 14 days of the County approval.

(c) Once work commences, all conditions or stipulations provided with the County approved Tree Permit shall apply and shall be enforceable. Failure to adhere to these conditions or stipulations may be cause for the posting of a stop work order on site, revocation of the County approval, and/or code enforcement pursuant to this article.

(d) For activities that are performed without the appropriate authorization, or are performed in a manner that is inconsistent with the authorized plans and/or stipulations of the permit, the Administrator reserves the right to report the action to the appropriate contractor licensing board.

(Ord. No. 2011-023, § 11, 5-25-2011; Ord. No. 2014-080, § 2, 11-5-2014; Ord. No. 2018-047, § 3B., 11-27-2018)

Sec. 54-592. Appeals.

Any Applicant or owner aggrieved by the administration or interpretation of any of the terms or provisions of this article may appeal to the Board, which, after a hearing, with notice to the appellant, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Administrator from whom the appeal is taken. The Board may consider such appeals concurrently with rezoning or special exception petitions when there is a binding development concept plan associated with the petition. There is no fee associated with the appeals process. Any action pursuant to this section shall not stay any enforcement proceedings.

(Ord. No. 2011-023, § 12, 5-25-2011; Ord. No. 2022-100, § 4, 1-31-2023)

Sec. 54-593. Severability.

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 2011-023, § 13, 5-25-2011)

Appendix I

(1) *Tree Permit Applications.* All Tree Permit applications shall meet the requirements contained in this section and shall include a statement detailing the reasons why the proposed activities meet the permitting criteria of this article.

(2) *Tree Location Surveys. A* Tree Location Survey is required for all proposed activities on undeveloped Lots as described in this section. A Tree Location Survey is not required when Tree Removal is proposed on a developed Lot, unless the Tree(s) proposed for removal is located within a CRPZ. Due to site-specific conditions, the Administrator may require a Tree Location Survey on developed Lots. On all developed lots, a written statement or a sketch shall be provided with the application identifying the Tree(s) proposed for removal and their location.

(3) *Information required on the Tree Location Survey.* When a Tree Location Survey is required, it shall depict the following information when applicable. All surveys shall be at a scale sufficient to enable the Administrator to determine if an application meets the requirements of this article.

(a) The shape and dimensions of the Lot together with the existing and proposed locations of structures, utilities (e.g., power lines, water, sewer), and other improvements, if any.

(b) The location of all on-site native habitats and buffers as defined in the Environment Chapter of the County's Comprehensive Plan.

(c) The location of all existing Trees, identified by common or botanical name and DBH. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Where clearing is occurring on part of a Lot, only the Trees in the area to be cleared and an additional 50 feet need to be located. Grand Trees shall be identified by DBH, height, the size of the Drip Line (in feet) and the proposed location of Tree protection barricades. Groups of Trees in close proximity (five feet spacing or closer) may be designated as a "clump" of Trees, with the predominant species, estimated number and average size listed. Limited clearing may be approved by the Administrator to provide proper preparation of the Tree Location Survey.

(d) If existing Trees are to be relocated, the proposed relocation for such Trees, together with a statement as to how the Trees will be protected during land clearing and construction and maintained after construction.

(e) A statement from the applicant indicating how any Trees that are not proposed for removal or relocation will be protected during land clearing, construction, or other proposed activity.

(f) Locations and dimensions of all setbacks and easements required by the Sarasota County zoning ordinance, as amended.

(g) Statements and plans clearly depicting grade changes proposed for the Lot and/or Right-of-Way and how such changes will affect Trees. Statement as to the form of root protection to be used, such as Tree wells or retaining walls. State the distance from Tree trunk to change in grade and the required elevations are certified by the project engineer.

(h) The applicant shall include a statement about any proposed Tree plantings.

(i) In the event that there are no Trees located on the site, the Applicant shall so state on the permit application for all new construction, additions, and demolitions. Such statement shall be substantiated by an inspection of the site or the review of a recent legible aerial photograph that reflects existing site conditions, which shall be a binding determination that no Trees are presently on the site.

(j) Any other information requested by the Board or Administrator to assist in the review of a permit application or exemption determination.

(4) *Grand Trees.* If a Grand Tree exists on a Lot and the proposed activity will encroach within the Drip Line, the Administrator may require, in addition to a survey and a statement detailing how the proposed activities meet the permitting criteria of this section, a plan to be submitted by a forester, certified arborist (with current credentials) from the ISA or a Florida licensed landscape architect specifying the methods to be utilized to preserve the Tree. This plan shall address the protection of the root system, crown and trunk of the Tree and the means of supplying water and essential nutrients if applicable.

(5) *Trees Located within a CRPZ.* In addition to a survey and a statement specifying how the application meets the permitting criteria of this section, the Applicant shall include:

(a) A plan showing the scaled location of the Canopy Road Protection Zone. Border Trees shall be included in the plan depicting the CRPZ.

(b) A statement and plan clearly depicting if trimming is proposed within the CRPZ. All trimming shall be limited to Clear Zone heights, as defined in this article, unless exempted in this article.

(c) If encroachments into the CRPZ are proposed, a plan will be required to be prepared by an ISA certified arborist, an ASCA certified consulting arborist, landscape architect, or other specialist in the field of arboriculture specifying the methods to be utilized to preserve the vegetation. This plan shall address protection of the root system, crown, and stems of the Trees, a means of supplying water and essential elements to the root system, and the proposed location of the Tree protection barricades. This plan shall be subject to approval by the Administrator.

(Ord. No. 2011-023, 5-25-2011)

Secs. 54-594—54-620. Reserved.

Agenda Item 6-C

2025 Legislative Updates

M E M O R A N D U M

TO: Planning and Zoning Board

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report Date: August 15, 2025

Meeting Date: September 16, 2025

Subject: 2025 Legislative Updates – Planning, Zoning and Building

Background
Following the conclusion of the 2025 Florida Legislative Session, which convened on March 4, 2025, and adjourned on June 16, 2025, several new laws have been enacted that have implications for regulations on the Town of Longboat Key. Each bill summary has been attached to this memo. Full copies of each bill have been uploaded to the Town's FTP site, for informational purposes.

The Town Attorney has reviewed and summarized key legislative provisions that pertain specifically to municipal governance, land use, environmental regulation, public safety, and other areas of interest. This memo provides a summary of legislation that is relevant to the Town's Planning, Zoning and Building Department (PZB), including bills that require further action.

Where applicable, effective dates have been included, along with any actions that are necessary to bring the Town into compliance. These actions may include updates to the Town Code, adoption of new ordinances, or the implementation of revised procedures.

SB 180 – Emergencies (Effective 6/26/25)
The bill makes the following changes to current law:

- Prohibits local governments from adopting or enforcing cumulative improvements or repair ordinance (as part of the National Flood Insurance Program).
- Requires a post-storm permitting plan (by May 1st each year) to expedite building permit & inspection procedures that:
    - ensure sufficient personnel are prepared and available to expeditiously manage post-disaster building inspection, permitting, and enforcement tasks.
    - account for multiple or alternate locations where building permit services may be offered.
    - specify a protocol to expedite permitting procedures and, if practicable, waive or reduce fees.
- Requires a Hurricane & Tropical Storm Recovery Permitting Guide be posted on the Town website that describes:
    - the type of post-storm repairs that require a permit and the associated fees;
    - the types of repairs that do not require a permit;

    - the permit application process and modifications commonly made to expedite the process; and
    - local requirements for rebuilding specific to the municipality such as elevation requirements.
- Requires (by May 1, 2026) the Town to provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters and requires the Town to allow homeowners to provide an email address where they can receive digital copies of such letters. **Note:** *PZB currently does this through Forerunner, an all-in-one tool to manage the Town's Community Rating System (CRS) program.*
- Requires, as soon as practicable after a storm, the Town use best efforts to open the permitting office at least forty (40) hours per week.
- Extends the existing prohibition on adopting more restrictive or burdensome changes to the comprehensive plan and land development regulations to October 1, 2027, for each municipality in a county listed in the federal disaster declaration for Hurricanes Debby, Helene, or Milton.
- Enacts a prohibition on adopting more restrictive or burdensome changes to the Comprehensive Plan and Land Development Regulations for one (1) year after a hurricane makes landfall for any city within a county included in a federal disaster declaration and lying within one hundred (100) miles of the track of a storm.

HB 683 – Construction Regulations (Effective 7/1/25)

The bill makes the following changes to current law:

- Prohibits local governments from adopting ordinances, policies, etc. related to the use of synthetic turf on single-family residential properties.
- Prohibits local governments from requiring a contract between a builder and an owner, or any associated document including letters of intent, material costs lists, labor costs, or overhead or profit statements for the issuance of a building permit. **Note:** *This can be required by the Floodplain Administrator, for demonstration that storm damage repairs do not exceed the FEMA 50% structure valuation.*
- Revises the conditions under which specified contractors may elect to use private providers to provide inspection services and authorizes private providers performing single-trade plans reviews to use automated or software-based plans review systems designed to make certain determinations.
- Requires local building officials to issue permits within 5 business days after receipt of the affidavit from the private provider for single-trade plans review for a single-family or two-family dwelling.
- Authorizes single-trade private provider inspections to be performed in person or virtually.

SB 700 – Department of Agriculture and Consumer Services (Effective 7/1/25)

The bill makes the following changes to current law:

Requires local government entities to issue permits for electric vehicle charging stations based solely upon standards and rules established by the Department of Agriculture and Consumer Services and other applicable provisions or State law.

SB 784 – Platting (Effective 7/1/25)
The bill makes the following changes to current law:

Requires plat or replat submittals to be administratively approved if they meet the requirements of §177.091, F.S. The governing body of the municipality must designate by ordinance or resolution an "administrative authority" to receive, review, and process plat or replat submittals and an "administrative official" to approve or deny plat or replat submittals. The municipality has 7 days after receipt of the plat or replat submittal to provide written notice to the applicant acknowledging receipt, identifying any missing information, and providing information on the approval process including timeframes for approving. Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the prior written notice. If denied, written notice must be provided notifying the applicant of all areas of noncompliance, including specific citations to each requirement unmet. **Note:** *This requires an amendment to Town Code Sections 157.25, 157.30 and 157.31.*

HB 913 – Condominium and Cooperative Associations (Effective 7/1/25)
The bill makes the following changes to current law:

Requires (was previously optional) the Town to adopt an ordinance requiring a condominium or cooperative association and any other owner that is subject to § 553.899, F.S. to schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report. If the timeframe is not met, the local law enforcement agency must review and determine if the building is unsafe for human occupancy. **Note:** *This will require an amendment to Town Code Chapter 150.*

The bill also requires the Town to report to Florida Department of Business and Professional Regulation (DBPR) by December 31, 2025, and on or before December 31 thereafter, information on local milestone inspections.

SB 954 – Certified Recovery Residences (Effective 7/1/25)
The bill makes the following changes to current law:

By January 1, 2026, the Town must adopt an ordinance establishing procedures for the review and approval of certified recovery residences[1] within its jurisdiction, including a process for requesting reasonable accommodations from any land use regulation that serves to prohibit the establishment of such uses. A final written determination must be issued within 60 days after receipt of a completed

[1] Certified recovery residence refers to a sober-living facility that has: 1) obtained a certificate of compliance from an approved credentialing entity, and 2) is actively managed by someone who is properly certified (a certified recovery residence administrator). These residences are further tiered into four levels, ranging from peer-managed homes (Level I) to clinical-affiliated, structured residences (Level IV).

application, or it is deemed approved. No public hearings may be required beyond the minimum required by law to grant the requested accommodation. **Note:** *This will require an amendment to Town Code, Chapter 158.*

SB 582 – Unlawful Demolition of Historical Buildings and Structures (Effective 7/1/25)

The bill makes the following changes to current law:

Authorizes, through the code enforcement process, the imposition of an extraordinary fine if a building or structure on the National Register of Historic Places or that is a contributing resource to a National Register-listed district, is knowingly and willfully demolished. Such a fine may not exceed 20% of the fair or just market valuation of the property pre-demolition. **Note:** *This will require an amendment to Town Code Section 33.08 (B).*

SB 1080 – Local Government Land Regulation (Effective 10/1/25)

The bill makes the following changes to current law:

- Requires municipalities to specify in writing the minimum information that must be submitted for an application for various land use petitions. Such information must be available for copying and inspection where applications are received, must be provided to the applicant at a pre-application meeting, or must be posted on the municipality's website.
- Requires a municipality to confirm receipt of an application within 5 days of receipt.
- Restarts the statutory timeframes for reviewing land use petitions if an applicant makes a substantive change, which means a change of 15% or more in the proposed density, intensity, or square footage of a parcel.
- Except in specified situations, requires municipalities to refund application fees from 10% to 100% depending on the statutory timeframe the municipality misses.
- For impact fees, requires a unanimous vote, versus 2/3 vote, to increase an impact fee rate beyond the statutory phase-in limitations. Such increases must be implemented in at least two, but not more than four, equal annual increments. And such increases are prohibited if the local government has not increased the impact fee within the past 5 years.
- Revises the deadline by which adopted comprehensive plan amendments must be sent to the state from 10 to 30 working days.

HB 1255 – Education (Effective 7/1/25)

The bill makes the following changes to current law:

- Revises existing state law to further provide that charter schools must be treated the same as public schools in relation to land use matters.

- Prohibits municipalities from requiring a charter school to obtain a special exemption or conditional use approval for the charter school to be allowable under the land development code.
- Allows private schools located in counties with exactly four incorporated municipalities (i.e., Sarasota County) to construct new permanent or temporary facilities—on property owned or leased from a church, library, museum, performing arts venue, or former childcare center—without obtaining a rezoning, special exception, land use change, or complying with any local mitigation requirements. Projects would only be required to meet applicable health, safety, and building codes. The preemption applies when a new or existing private school seeks to expand in a manner that would otherwise be restricted by local zoning regulation.

Note: *This will require an amendment to Town Code, Sections 158.064, 158.067, and 158.097.*

SB 1730 – Affordable Housing (Effective 7/1/25)

This bill primarily revises multiple provisions of the Live Local Act. The bill makes the following changes to current law:

- Requires, beginning November 1, 2026, the Town to provide an annual report to the state land planning agency that includes a summary of litigation involving the Live Local Act and a list of all projects proposed or approved under the Live Local Act.
- Creates Section 420.5098, Florida Statutes, to establish legislative intent to support the development of affordable workforce housing for employees of governmental entities and others, using federal low-income housing tax credits, local or state funds, or other sources of funding to create a preference for housing for such employees.

Staff Recommendation

For the Planning and Zoning Board to provide feedback on proposed legislation before preparing an ordinance for Town Commission consideration.

Attachments

A. SB 180 – Emergencies
B. HB 683 – Construction Regulations
C. SB 700 – Department of Agriculture and Consumer Services
D. SB 784 – Platting
E. HB 913 – Condominium and Cooperative Associations
F. SB 954 – Certified Recovery Residences
G. SB 582 – Unlawful Demolition of Historical Buildings and Structures
H. SB 1080 – Local Government Land Regulation
I. HB 1255 – Education
J. SB 1730 – Affordable Housing

Bill Summaries

Committee on Community Affairs

CS/CS/SB 180 — Emergencies

by Appropriations Committee; Community Affairs Committee; and Senator DiCeglie

The bill makes various changes relating to the preparation and response activities of state and local government when emergencies impact the state. Regarding the responsibilities of the Florida Division of Emergency Management (FDEM), the bill:

- Requires the FDEM, for the purpose of the Hurricane Loss Mitigation Program, to prioritize use of funds for shelters located in counties, rather than regional planning councils, that have a shelter deficit, and for projects that are publicly owned, other than schools.
- Combines the FDEM shelter reports and requires it to be submitted to the Governor and Legislature annually, rather than biennially, and requires prioritization of non-school public facilities to be recommended for retrofit.
- Directs the FDEM to conduct annual regional hurricane readiness sessions and provide biennial emergency management training for specified county and municipal personnel.
- Renames the Natural Hazards Interagency Workgroup as the "Natural Hazards Risks and Mitigation Interagency Coordinating Group," of which the executive director of the FDEM is the administrator and substantially revises the membership and duties of the group.
- Requires the FDEM to report annually to the Legislature on the expenditures related to emergencies incurred over the past year, including a summary of the event, detailed expenditures, and an accounting of all inventory and assets purchased (effective January 1, 2026).
- Requires contracts executed to support the response to a declared state of emergency to be posted on the state's secure contract tracking system (effective January 1, 2026).
- Provides additional requirements for the FDEM handling of federal funds, including legislative notification for innovative uses and standardizing and streamlining processes related to the distribution of federal financial assistance to state and local agencies.
- Requires state agencies, counties, and municipalities to notify the FDEM by May 1 annually of the person designated as the emergency contact for the state agency, county, or municipality, and his or her alternate.
- Requires the Department of Environmental Protection (DEP) to submit and biannually update a Flood Inventory and Restoration Report to the FDEM, working with water management districts, local governments, and operators of public and private stormwater systems to identify flooding risks, provide inspection schedules, and list funding priorities.
- Requires the FDEM to consult with local governments and the appropriate state agencies to recommend statutory changes to streamline the permitting process for repairing and rebuilding structures damaged by natural emergencies and submit a report to the Legislature by July 1, 2026.

Regarding the emergency preparedness and response duties and directives of local governments, the bill:

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- Requires each county and municipality to post certain information related to emergency response and preparation on its website, including frequently asked questions related to natural emergency response and preparedness, a disaster supply and emergency shelter list, links to information about flood zone, a checklist for post-storm recovery, and information specific to persons with disabilities.
- Requires each county and municipality to develop a post-storm permitting plan to expedite recovery and rebuilding and ensure sufficient staffing for increased permitting and inspection demands. Each local government must also publish on its website a post-storm permitting guide to advise residents of post-storm permitting procedures and rebuilding requirements.
- Directs each county and municipality to apply to the DEP for authorization of at least one debris management site and encourages local governments to add an addendum to existing solid waste contracts for the collection of storm-generated debris.
- Prohibits each county and municipality located within an area for which a state of emergency is declared for a hurricane or tropical storm from increasing building permit or inspection fees for 180 days after the declaration.
- Prohibits a local government participating in the National Flood Insurance Program from adopting cumulative substantial improvement periods, also known as "lookback ordinances."
- Prohibits the imposition of impact fees for replacement structures if the land use is the same as the original, unless a replacement structure increases demand on public facilities.
- Increases the threshold above which a property appraiser must assess repairs at just value after damage due to calamity to 130 percent of the square footage before destruction or 2,000 total square feet.

Additionally, for one year after a hurricane makes landfall, the bill prohibits certain counties and municipalities from proposing or adopting a moratorium on the construction or redevelopment of property or more restrictive or burdensome regulations or procedures pertaining to land development. If these provisions are not followed, the bill provides a procedure for a person to file a suit against a local government for declaratory and injunctive relief and entitles a prevailing plaintiff reasonable attorney fees and costs. A county listed in a federal disaster declaration, or a municipality located within such a county, located entirely or partially within 100 miles of a hurricane's track is subject to the prohibition.

For Hurricane Debby, Hurricane Helene, and Hurricane Milton, the bill provides similar prohibitions on construction moratoriums and burdensome or restrictive regulations. The provisions apply until October 1, 2027, and are applied retroactively to August 1, 2024.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) must study the actions of local government after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The OPPAGA must submit a report to the Legislature by December 1, 2025, which includes recommendations for options to remove impediments to construction,

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reconstruction, or redevelopment and prevent local governments from implementing burdensome or restrictive procedures or processes.

The bill also introduces the following policy changes aimed at enhancing the state's emergency preparedness and response efforts:

- Allows Florida National Guard servicemembers to provide medical care within their scope of licensure to military personnel and civilians during emergencies.
- Provides for the tolling and extension of a formal determination of the delineation of the extent of wetlands in the event a state of emergency is declared, which applies retroactively to January 1, 2023.
- Requires a tenant to be given an opportunity to collect his or her belongings or given notice of a date by which the tenant will be able to do so when a rented premise is damaged or destroyed.
- Extends the evacuation clearance time for the Florida Keys Area of Critical State Concern from 24 hours to 24.5 hours and directs the Department of Commerce to conduct a study to determine the number of building permit allocations that may be distributed based on this change. Such building permit allocations may not exceed 900 total allocations and must be distributed over 10 years. The bill also establishes requirements for distribution and issuance of the permits.
- Provides for the regulation of hoisting equipment during hurricanes, requiring equipment to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin. The Florida Building Commission must establish best practices for the utilization of tower cranes and hoisting equipment on construction job sites during hurricane season and report to the Legislature by December 31, 2026.
- Provides that the estimated costs of a renovation of property damaged by a natural disaster must exceed 75 percent of the fair market value of the building prior to the disaster before the property must be rebuilt to current thermal efficiency standards.
- Requires the Department of Veterans Affairs to provide special needs shelter registration information to its clients and caregivers.
- Requires the Florida Housing Finance Corporation to enter into a memorandum of understanding with the Department of Elder Affairs and with the Agency for Persons with Disabilities to ensure special needs shelter registry information is provided to residents of low-income senior independent living facilities and independent living properties for persons with disabilities that received funding through the corporation.
- Provides that a caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, must be allowed to shelter together in the special needs shelter.

Finally, effective January 1, 2026, the bill requires all state and local government contracts for goods or services related to emergency response entered into, renewed, or amended on or after July 1, 2025, to include a provision that, upon breach during an emergency recovery period, the contractor is required to pay actual, consequential, and liquidated damages and a $5,000 penalty. The bill defines "emergency recovery period" as the 1-year period that begins on the date the Governor initially declared a state of emergency for a natural emergency.

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If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming a law, except as otherwise provided.
Vote: Senate 34-1; House 106-0

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An act relating to emergencies; amending s. 83.63, F.S.; requiring certain tenants to be given specified opportunities or notice; creating s. 163.31795, F.S.; defining the terms "cumulative substantial improvement period" and "local government"; prohibiting certain local governments from adopting ordinances for substantial improvements or repairs to a structure which include cumulative substantial improvement periods; amending s. 163.31801, F.S.; prohibiting certain entities from assessing impact fees for specified replacement structures; providing an exception; providing construction; amending s. 193.155, F.S.; revising the square footage limitations for certain changes, additions, and improvements to damaged property; amending s. 215.559, F.S.; removing a reference to a certain report; revising public hurricane shelter funding prioritization requirements for the Division of Emergency Management; amending s. 250.375, F.S.; authorizing certain servicemembers to provide medical care in specified circumstances; amending s. 252.35, F.S.; revising requirements for the state comprehensive emergency management plan; requiring such plan to include an update on the status of certain emergency management capabilities; requiring the division to collaborate with the Department of Health; revising responsibilities of the division; requiring the division to develop a certain template; revising the purpose of certain training

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programs; requiring the division to set the minimum number of training hours that specified individuals must complete biennially; authorizing such training to be provided by certain entities; requiring the division to conduct an annual hurricane readiness session in each region designated by the division for a specified purpose; requiring all county emergency management directors, and authorizing other county and municipal personnel, to attend such session; requiring that the session include specified topics and needs; removing a specified reporting requirement; amending s. 252.355, F.S.; authorizing the Department of Veterans' Affairs to provide certain information to specified clients or their caregivers; requiring the Florida Housing Finance Corporation to enter into memoranda of understanding with specified agencies for a certain purpose; providing that specified persons may use special needs shelters in certain circumstances; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring such contracts to be posted on a specified secure contract system; requiring the division to report annually to the Legislature specified information on expenditures relating to emergencies; providing requirements for such report; amending s. 252.363, F.S.; providing for the tolling and extension of certain determinations; providing for retroactive application; amending s. 252.365, F.S.; requiring

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agency heads to notify the Governor and the division of the person designated as the emergency coordination officer annually by a specified date; amending s. 252.3655, F.S.; creating the natural hazards risks and mitigation interagency coordinating group; providing the purpose of the group; providing for the membership and administration of the group; requiring agency representatives to provide information relating to natural hazards to this state, agency resources, and efforts to address and mitigate risks and impacts of natural hazards; requiring the group to meet in person or by communications media technology at least quarterly for specified purposes; requiring specified agency heads to meet at least annually to strategize and prioritize state efforts; requiring the division, on behalf of the group, to prepare an annual progress report and submit such report to the Governor and Legislature; revising requirements for such report; amending s. 252.37, F.S.; requiring the division to notify the Legislature of its intent to accept or apply for federal funds under certain circumstances; requiring the division to take steps to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies; requiring that such steps include the standardization and streamlining of the application process for federal financial assistance and the provision of assistance to applicants for a specified purpose; requiring the division to use

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certain federal funds to implement such requirements; amending s. 252.373, F.S.; conforming a cross-reference; amending s. 252.38, F.S.; requiring political subdivisions to annually provide specified notification to the division before a specified date; creating s. 252.381, F.S.; requiring counties and municipalities to post certain information on their websites; requiring counties and municipalities to develop a poststorm permitting plan; providing requirements for such plan; requiring counties and municipalities to update such plan by a specified date annually; requiring counties and municipalities to publish on their websites a specified storm recovery guide by a specified date annually; providing requirements for such guide; requiring certain counties and municipalities to publish on their websites updates to such guide as soon as practicable following a storm; prohibiting certain counties and municipalities from increasing building permit or inspection fees within a specified timeframe; requiring counties and municipalities to allow individuals to receive certain letters electronically on or before a specified date; requiring certain counties and municipalities to use their best efforts to open a permitting office for a minimum number of hours per week; amending s. 252.385, F.S.; revising reporting requirements for the division; revising requirements for a specified list; requiring the Department of Health and the Agency for Persons with

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Disabilities to assist the division with certain determinations; creating s. 252.422, F.S.; defining the term "impacted local government"; prohibiting impacted local governments from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing any person to file suit to enforce specified provisions; authorizing counties and municipalities to request a specified determination by a court; prohibiting counties and municipalities from taking certain actions until the court has issued a preliminary or final judgment; requiring plaintiffs to provide certain notification before filing suit; requiring impacted local governments to take certain actions upon receipt of such notification or a suit may be filed; providing for reasonable attorney fees and costs; authorizing the use of a certain summary procedure; requiring the court to advance the cause on the calendar; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on certain local government actions after hurricanes; specifying requirements for the study and legislative recommendations; requiring the office to submit a report to the Legislature by a specified date; creating s. 252.505, F.S.; requiring that certain contracts include a specified provision; defining the term "emergency recovery period"; amending s. 373.423,

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F.S.; requiring the Department of Environmental Protection to submit a Flood Inventory and Restoration Report to the division by a specified date; requiring the department to work with specified entities to compile information for the report; providing specifications for the report; requiring the owner of certain infrastructure to submit certain information to the department; requiring the department to review and update the report biannually; requiring the department to submit an updated report to the division by a specified date; amending s. 380.0552, F.S.; revising the maximum evacuation clearance time for permanent residents of the Florida Keys Area, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; requiring the Department of Commerce to conduct baseline modeling scenarios and gather data to determine the number of building permit allocations for distribution in the Florida Keys Area; requiring that such allocations be distributed in a specified manner and over a specified timeframe; prohibiting such allocations from exceeding a specified number; requiring that permits be issued for certain parcels and the distribution of such permits prioritize specified allocations; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 403.7071, F.S.; providing that local governments are authorized and encouraged to add certain addendums to certain contracts and agreements; requiring counties

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and municipalities to apply to the department for authorization to designate at least one debris management site; authorizing municipalities to apply jointly with a county or adjacent municipality for authorization of a debris management site if such entities approve a memorandum of understanding; providing requirements for such memorandum; creating s. 489.1132, F.S.; providing definitions; requiring a hurricane preparedness plan to be available for inspection at certain worksites; requiring certain equipment to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin; providing penalties; requiring the Florida Building Commission to establish specified best practices and report findings to the Legislature by a specified date; amending s. 553.902, F.S.; revising the definition of the term "renovated building"; requiring the division to consult with specified entities to develop certain recommendations and provide a report to the Legislature by a specified date; prohibiting certain counties from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; declaring that such moratoriums, amendments, or procedures are null and void; providing for retroactive application; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing certain residents and business owners to bring a civil action for

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declaratory and injunctive relief against a county or municipality that violates specified provisions; providing for reasonable attorney fees and costs under specified circumstances; providing for future expiration; providing a directive to the Division of Law Revision; providing effective dates.

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

Section 1. Section 83.63, Florida Statutes, is amended to read:

83.63 Casualty damage.—If the premises are damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired:~~,~~

(1) The tenant may terminate the rental agreement and immediately vacate the premises. The tenant may vacate the part of the premises rendered unusable by the casualty, in which case the tenant's liability for rent shall be reduced by the fair rental value of that part of the premises damaged or destroyed. If the rental agreement is terminated, the landlord shall comply with s. 83.49(3).

(2) The tenant must be given:

(a) The opportunity to collect his or her belongings from the premises when it is safe to do so; or

(b) Notice of the date by which the tenant will be able to collect his or her belongings from the premises, which must occur within a reasonable time.

Section 2. Section 163.31795, Florida Statutes, is created

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to read:

163.31795 Participation in the National Flood Insurance Program.—

(1) For purposes of this section, the term:

(a) "Cumulative substantial improvement period" means the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement as defined in s. 161.54(12).

(b) "Local government" has the same meaning as in s. 163.2514.

(2) A local government that is participating in the National Flood Insurance Program may not adopt or enforce an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period.

Section 3. Subsection (14) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(14) A local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities beyond that of the original structure. However, if the replacement structure increases the demand on public facilities due to a significant increase in size, intensity, or capacity of use, a local government, school district, or special district may assess an impact fee in an amount proportional to the difference in the demand between the replacement structure and

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the original structure. Any such fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the reconstruction or replacement of a previously existing structure.

Section 4. Paragraph (b) of subsection (4) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)

(b)1. Changes, additions, or improvements that replace all or a portion of homestead property, including ancillary improvements, damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the homestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as changed or improved does not exceed 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction; or

b. The total square footage of the homestead property as changed or improved does not exceed 2,000 ~~1,500~~ square feet.

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2. The homestead property's assessed value must be increased by the just value of that portion of the changed or improved homestead property which is in excess of 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 2,000 ~~1,500~~ square feet.

3. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 5 years after the January 1 following the damage or destruction of the homestead.

Section 5. Paragraph (b) of subsection (1) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division of Emergency Management.

(1) The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the division for the purposes set forth in this section. Of the amount:

(b) Three million dollars in funds shall be used to construct or retrofit facilities used as public hurricane shelters. Each year the division shall prioritize the use of

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these funds for projects included in the annual report ~~of the Shelter Development Report~~ prepared in accordance with s. 252.385(3). The division shall ~~must~~ give funding priority to projects located in counties ~~regional planning council regions~~ that have shelter deficits, projects that are publicly owned, other than schools, and ~~to~~ projects that maximize the use of state funds.

Section 6. Section 250.375, Florida Statutes, is amended to read:

250.375 Medical officer authorization.—A servicemember trained to provide medical care who is serving under the direction of the Florida National Guard State Surgeon and is assigned to a military duty position and authorized by the Florida National Guard to provide medical care within the scope of the servicemember's professional licensure by virtue of such duty position may provide such medical care to military personnel and civilians within this state ~~physician who holds an active license to practice medicine in any state, a United States territory, or the District of Columbia,~~ while serving ~~as a medical officer~~ with or in support of the Florida National Guard, pursuant to federal or state orders, ~~may practice medicine on military personnel or civilians~~ during an emergency or declared disaster ~~or during federal military training~~.

Section 7. Paragraphs (y) through (dd) of subsection (2) of section 252.35, Florida Statutes, are redesignated as paragraphs (x) through (cc), respectively, paragraphs (a), (c), and (n) and present paragraph (x) of that subsection are amended, and a new paragraph (dd) is added to that subsection, to read:

252.35 Emergency management powers; Division of Emergency

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Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties, the division shall:

(a) Prepare a state comprehensive emergency management plan, which must ~~shall~~ be integrated into and coordinated with the emergency management plans and programs of the Federal Government. The division shall adopt the plan as a rule in accordance with chapter 120. The plan must be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan must be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes

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coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each county ~~region of the state~~; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish

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procedures for coordinating and monitoring statewide mutual aid agreements reimbursable under federal public disaster assistance programs; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations, including public health emergencies, and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to

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the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

9. Include the public health emergency plan developed by the Department of Health pursuant to s. 381.00315.

10. Include an update on the status of the emergency management capabilities of the state and its political subdivisions. The update must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.

The complete state comprehensive emergency management plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on February 1 of every even-numbered year.

(c) Assist political subdivisions in preparing and maintaining emergency management plans. Such assistance must include the development of a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements.

(n) Implement training programs to maintain this state's status as a national leader in emergency management and improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This must ~~shall~~ include a continuous training program for agencies and individuals who ~~that~~ will be called on to perform key roles in state and local postdisaster response and recovery

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efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures. The division shall specify requirements for the minimum number of training hours that county or municipal administrators, county or city managers, county or municipal emergency management directors, and county or municipal public works directors or other officials responsible for the construction and maintenance of public infrastructure must complete biennially in addition to the training required pursuant to s. 252.38(1)(b). Such training may be provided by the division or, for county personnel, by a foundation that is a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code and has a governing board that includes in its membership county commissioners and professional county staff. If training is provided by a foundation, such training must be approved by the division.

~~(x) Report biennially to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions. This report must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.~~

(dd) Conduct, by April 1 of each year, an annual hurricane readiness session in each region designated by the division to facilitate coordination between all emergency management stakeholders. Each county emergency management director or his or her designee shall, and other county and municipal personnel

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may, attend the session for his or her region. A session must include, but is not limited to, guidance on timelines for preparation and response, information on state and federal postdisaster resources and assistance, guidance to promote efficient and expedited rebuilding of the community after a hurricane, best practices for coordination and communication among entities engaged in postdisaster response and recovery, and discussion of any outstanding county or municipal preparedness or readiness needs.

Section 8. Subsection (4) of section 252.355, Florida Statutes, is renumbered as subsection (5), paragraph (b) of subsection (2) is amended, and a new subsection (4) is added to that section, to read:

252.355 Registry of persons with special needs; notice; registration program.—

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that mitigate the threat of the spread of infectious diseases.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Veterans' Affairs, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elderly Affairs, and memory disorder clinics

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shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The Florida Housing Finance Corporation shall enter into memoranda of understanding with the Department of Elderly Affairs and with the Agency for Persons with Disabilities to ensure special needs registration information is provided to residents of low-income senior independent living properties and independent living properties for persons with intellectual or developmental disabilities funded by the Florida Housing Finance Corporation, respectively. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division's website. All appropriate agencies and community-based service providers, including aging and disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with

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special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

(4) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, shall be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of persons without special needs, those persons shall be allowed to use the special needs shelter with the person with special needs.

Section 9. Effective January 1, 2026, subsection (2) of section 252.3611, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

252.3611 Transparency; audits.—

(2) If ~~When~~ the duration of a declaration of a state of ~~an~~ emergency issued by the Governor exceeds 90 days:

(a)1. The Executive Office of the Governor or the appropriate agency, within 72 hours after ~~of~~ executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, must ~~the Executive Office of the Governor or the appropriate agency shall~~ submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the declared state of emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy to the Legislature within the first 120 days of the declared state of emergency.

2. All contracts executed to support the response to a declared state of emergency, including contracts executed before

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a declared state of emergency to secure resources or services in advance or anticipation of an emergency, must be posted on the secure contract tracking system required under s. 215.985(14).

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

(5) Annually, by January 15, the division shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committee of each house of the Legislature on expenditures related to emergencies incurred over the year from November 1 of the previous year. The report must include:

(a) A separate summary of each emergency event, whether complete or ongoing, and key actions taken by the division.

(b) Details of expenditures, separated by emergency event and agency, for preparing for, responding to, or recovering from the event. The report must specify detailed expenditures for the entire report time period; specify total expenditures for the event; and indicate amounts that are being or are anticipated to be reimbursed by the Federal Emergency Management Agency or other federal entity, amounts ineligible for reimbursement, and any amounts deobligated by the Federal Emergency Management Agency or other federal entity for reimbursement. The division shall review expenditures by state agencies to ensure that efforts, purchases, contracts, or expenditures are not duplicated.

(c) An accounting of all inventory and assets purchased,

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separated by emergency event and agency, for preparing for, responding to, or recovering from the event, including motor vehicles, boats, computers, and other equipment, and the current status of such assets, including divestment, sale, or donation by the state. The report must include a detailed accounting for the entire report time period and specify a total for the event.

Section 10. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 24 months in addition to the tolled period. The extended period to exercise the rights under a permit or other authorization may not exceed 48 months in total in the event of multiple natural emergencies for which the Governor declares a state of emergency. The tolling and extension of permits and other authorizations under this paragraph shall apply retroactively to September 28, 2022, except in the case of the formal determination of the delineation of the extent of wetlands under s. 373.421, in which case tolling and extension of determinations under this paragraph shall apply retroactively to January 1, 2023. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

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2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. Permits issued by the Department of Environmental Protection or a water management district pursuant to part II of chapter 373 for land subject to a development agreement under ss. 163.3220-163.3243 in which the permittee and the developer are the same or a related entity.

5. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

6. The expiration of a development permit or development agreement authorized by Florida Statutes, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental agency.

7. The formal determination of the delineation of the extent of wetlands under s. 373.421.

Section 11. Subsection (4) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(4) On or before May 1 of each year, the head of each agency shall notify the Governor and the division in writing of the person initially designated as the emergency coordination officer for such agency and her or his alternate and of any changes in persons so designated thereafter.

Section 12. Section 252.3655, Florida Statutes, is amended

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to read:

252.3655 Natural hazards risks and mitigation interagency coordinating group ~~workgroup~~.—

(1)(a) An interagency coordinating group ~~workgroup~~ is created for the purpose of sharing information on the current and potential risks and impacts of natural hazards throughout this ~~the~~ state, coordinating the ongoing efforts of state agencies in addressing and mitigating the risks and impacts of natural hazards, and collaborating on statewide initiatives to address and mitigate the risks and impacts of natural hazards. As used in this section, the term "natural hazards" includes, but is not limited to, extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

(b) The agency head, or his or her designated senior manager, from each of the following agencies shall serve on the coordinating group:

1. Chief Resilience Officer of the Statewide Office of Resilience.

2. Department of Agriculture and Consumer Services.

3. Department of Commerce.

4. Department of Environmental Protection.

5. Department of Financial Services.

6. Department of Law Enforcement.

7. Department of Highway Safety and Motor Vehicles.

8. Department of Military Affairs.

9. Division of Emergency Management.

10. Department of Transportation.

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11. Fish and Wildlife Conservation Commission.

12. Office of Insurance Regulation.

13. Public Service Commission.

14. Each water management district ~~Each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission shall select from within such agency a person to be designated as the agency liaison to the workgroup~~.

(c) The director of the Division of Emergency Management, or his or her designee, shall serve as the administrator ~~liaison to and coordinator~~ of the coordinating group ~~workgroup~~.

(d) Each agency representative ~~liaison~~ shall provide information from his or her respective agency, including all relevant reports, on the current and potential risks and impacts of natural hazards to this state ~~to his or her agency~~, agency resources available, and efforts made by the agency to address and mitigate the risks and impacts of ~~against~~ natural hazards~~, and efforts made by the agency to address the impacts of natural hazards~~.

(e)1. The coordinating group ~~workgroup~~ shall meet in person or by means of communications media technology as provided in s. 120.54(5)(b)2. at least ~~teleconference on a~~ quarterly ~~basis~~ to share information, leverage agency resources, coordinate ongoing efforts, and provide information for inclusion in the annual progress report submitted pursuant to subsection (2). Agency heads for the agencies listed in paragraph (b) shall meet in person at least annually to collectively strategize and prioritize state efforts.

2. Information regarding the coordinating group, including

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meeting agendas and reports, must be posted in a conspicuous location on the division's website.

(2)(a) On behalf of the coordinating group ~~workgroup~~, the division ~~of Emergency Management~~ shall prepare an annual progress report on the implementation of the state's hazard mitigation plan, developed and submitted in accordance with 42 U.S.C. s. 5165 and any implementing regulations, as it relates to natural hazards. At a minimum, the annual progress report must:

1. Assess each agency's ~~the relevance, level, and significance of current agency~~ efforts to address and mitigate the risks and impacts of natural hazards; ~~and~~

2. Strategize and prioritize ongoing efforts to address and mitigate the risks and impacts of natural hazards;

3. Provide recommendations regarding statutory changes and funding that may assist in addressing or mitigating the risks and impacts of natural hazards; and

4. Provide recommendations for state and local natural hazard mitigation strategies.

(b) ~~Each liaison is responsible for ensuring that the workgroup's annual progress report is posted on his or her agency's website.~~

~~(c)~~ By January 1 of each year, ~~2019, and each year thereafter,~~ the division on behalf of the coordinating group ~~workgroup~~ shall submit the annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 13. Paragraphs (c) and (d) of subsection (5) of section 252.37, Florida Statutes, are redesignated as paragraphs

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(d) and (e), respectively, a new paragraph (c) is added to that subsection, and subsection (7) is added to that section, to read:

252.37 Financing.—

(5) Unless otherwise specified in the General Appropriations Act:

(c) If the division intends to accept or apply for federal funds for a division-administered program that is new, that will be implemented in a manner that is innovative or significantly different from the manner in which the program is typically administered, or that will require a state match for which the division will be required to seek new budget authority, the division must notify the Legislature of its intent to accept or apply for the federal funds. The notice must detail the federal program under which the funds will be accepted or applied for, the intended purpose and use of the funds, and the amount of funds, including the estimated state match.

(7) The division shall take steps to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies. Such steps must include the standardization and streamlining of the application process for financial assistance through the federal Public Assistance Program and provision of assistance to applicants in order to mitigate the risk of noncompliance with federal program requirements. The division shall use federal funds allocated as management costs or other funds as appropriated to implement this subsection.

Section 14. Paragraph (a) of subsection (2) of section 252.373, Florida Statutes, is amended to read:

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252.373 Allocation of funds; rules.—

(2) The division shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

Section 15. Paragraphs (a) and (b) of subsection (3) of section 252.38, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (a) of subsection (1) is amended, to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this

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state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) Each political subdivision shall notify the division on or before May 1 each year of the person designated as the emergency contact for the political subdivision and his or her alternate and of any changes in persons so designated thereafter. For a county, the emergency contact must be the county emergency management director.

Section 16. Section 252.381, Florida Statutes, is created to read:

252.381 Information related to natural emergencies; poststorm county and municipal permitting; operations.—

(1) Each county and municipality must post on its publicly

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accessible website:

(a) A frequently asked questions web page related to natural emergency response, emergency preparedness, and public relief for residents following an emergency. The web page must answer questions concerning resident evacuations; safety tips; generator, food and drinking water, and wastewater and stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency.

(b) A disaster supply list and a list of emergency shelters.

(c) Links to information about flood zones.

(d) A checklist for residents explaining next steps to take during postdisaster recovery.

(e) Information specific to persons with disabilities, including, but not limited to, guidelines for special needs shelter registration; an explanation of how to register for special needs shelters and where to obtain assistance with that process; guidelines as to the level of care that is or is not provided at a special needs shelter as well as situations when either a general population shelter or hospital should be considered; and any other postdisaster assistance or resources available to affected persons with disabilities impacted by a disaster.

(2)(a) Each county and municipality shall develop a poststorm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures

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after a hurricane or tropical storm. The plan must, at a minimum:

1. Ensure sufficient personnel are prepared and available to expeditiously manage postdisaster building inspection, permitting, and enforcement tasks. The plan must anticipate conditions that would necessitate supplemental personnel for such tasks and address methods for fulfilling such personnel needs, including through mutual aid agreements as authorized in s. 252.40, other arrangements, such as those with private sector contractors, or supplemental state or federal funding. The plan must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.

2. Account for multiple or alternate locations where building permit services may be offered in person to the public following a hurricane or tropical storm during regular business hours.

3. Specify a protocol to expedite permitting procedures and, if practicable, for the waiver or reduction of applicable fees in accordance with and in addition to the procedures and waivers provided for under s. 553.7922. The plan must identify the types of permits that are frequently requested following a hurricane or tropical storm and methods to expedite the processing of such permits.

4. Specify procedures and resources necessary to promote expeditious debris removal following a hurricane or tropical storm.

(b) Each county and municipality shall update the plan no

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later than May 1 annually.

(3)(a) By May 1 annually, each county and municipality shall publish on its website a hurricane and tropical storm recovery permitting guide for residential and commercial property owners. The guide must describe:

1. The types of poststorm repairs that require a permit and applicable fees.

2. The types of poststorm repairs that do not require a permit.

3. The poststorm permit application process and specific modifications the county or municipality commonly makes to expedite the process, including the physical locations where permitting services will be offered.

4. Local requirements for rebuilding specific to the county or municipality, including elevation requirements following substantial damage and substantial improvement pursuant to the National Flood Insurance Program (NFIP) and any local amendments to the building code.

(b) As soon as practicable following a hurricane or tropical storm, a county or municipality within the area for which a state of emergency pursuant to s. 252.36 for such hurricane or tropical storm is declared shall publish updates on its website to the information required under paragraph (a) which are specific to such storm, including any permitting fee waivers or reductions.

(4) For 180 days after a state of emergency is declared pursuant to s. 252.36 for a hurricane or tropical storm, a county or municipality within the area for which the state of emergency is declared may not increase building permit or

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inspection fees.

(5) On or before May 1, 2026, each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow homeowners to provide an e-mail address where they can receive digital copies of such letters.

(6) As soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office at which residents can access government services for at least 40 hours per week.

Section 17. Subsections (2) and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space; public records exemption.—

(2)~~(a)~~ The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

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~~(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan must identify the general location and square footage of special needs shelters, by regional planning council region. The plan must also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.~~

(3)(a) The division shall annually provide by October 15 to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes~~, and the Governor~~ a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to projects in counties ~~regional planning council regions~~ with hurricane evacuation shelter deficits. Additionally, the division shall prioritize on the list of recommended facilities other state-owned, municipal-owned, and county-owned public buildings, other than schools, for retrofitting using state funds. The owner or lessee of a public hurricane evacuation

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shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

(b) The report required in paragraph (a) must include a statewide emergency shelter plan that must project, for each of the next 5 years, the hurricane shelter needs of the state. In addition to information on the general shelter needs throughout this state, the plan must identify, by county, the general location and square footage of special needs shelters. The plan must also include information on the availability of shelters that accept pets. The Department of Health and the Agency for Persons with Disabilities shall assist the division in determining the estimated need for special needs shelter space, the estimated need for general shelter space to accommodate persons with developmental disabilities, including, but not limited to, autism, and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

Section 18. Section 252.422, Florida Statutes, is created to read:

252.422 Restrictions on county or municipal regulations after a hurricane.—

(1) As used in this section, the term "impacted local government" means a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane or a municipality located within such a county.

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(2) For 1 year after a hurricane makes landfall, an impacted local government may not propose or adopt:

(a) A moratorium on construction, reconstruction, or redevelopment of any property.

(b) A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

(c) A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or

(c) The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency pursuant to s. 380.05.

(4)(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.

(b) A county or municipality may request a determination by

a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.

(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.

(d) In any case brought under this section, all parties are entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.

(5) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study on actions taken by local governments after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The study must focus on the impact that local governmental actions, including moratoriums,

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ordinances, and procedures, have had or may have on construction, reconstruction, or redevelopment of any property damaged by hurricanes. In its research, OPPAGA shall survey stakeholders that play integral parts in the rebuilding and recovery process. OPPAGA shall make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the implementation by local governments of burdensome or restrictive procedures and processes. OPPAGA shall submit the report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2025.

Section 19. Effective January 1, 2026, section 252.505, Florida Statutes, is created to read:

252.505 Breach of contract during emergency recovery periods for natural emergencies.—Each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1, 2025, must include a provision that requires a vendor or service provider that breaches such contract during an emergency recovery period to pay a $5,000 penalty and damages, which may be either actual and consequential damages or liquidated damages. As used in this section, the term "emergency recovery period" means a 1-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency.

Section 20. Subsection (4) is added to section 373.423, Florida Statutes, to read:

373.423 Inspection.—

(4)(a) By September 1, 2026, the department shall submit a

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Flood Inventory and Restoration Report to the Division of Emergency Management. The department must work with water management districts, local governments, and operators of public and private stormwater management systems to compile the necessary information for the report, which must:

1. Identify priority infrastructure needs within each water management district jurisdiction that may result in flooding or property damage or threaten human health if left unaddressed;

2. Identify locations that have both historic flooding occurrences, based on flood zones identified by the Federal Emergency Management Agency, and the potential to flood from future significant storm events, such as hurricanes and tropical storms;

3. For each location identified in subparagraph 1. or subparagraph 2., include an inspection and maintenance schedule and specific information on the age of the infrastructure, upstream impacts, and other factors that may lead to system failure if unaddressed; and

4. Include a list of facilities prioritized for funding to address flooding issues.

(b) The owner of any priority infrastructure identified in the report must submit an inspection and maintenance schedule to the department.

(c) The department must review and update the report on a biannual basis. The report must provide information regarding compliance with the inspection and maintenance schedules, include any additional revisions based on storm event experience, and revise the list of facilities as new flooding events take place and new projects are implemented to alleviate

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infrastructure deficiencies which led to flooding events. The department must submit an updated report to the Division of Emergency Management by September 1 of each year in which the report is due.

Section 21. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

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2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24.5 ~~24~~ hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 22. The Department of Commerce shall conduct baseline modeling scenarios and gather data in order to determine a number of building permit allocations to be distributed in the Florida Keys Area based upon the hurricane evacuation clearance time provided in s. 380.0552(9)(a), Florida Statutes, as amended by this act. The permit allocations must be distributed to counties and municipalities based on the number of vacant buildable lots within each jurisdiction. The permit allocations must be distributed over a period of at least 10 years but may not exceed 900 total permit allocations. All permits must be issued for vacant, buildable parcels, of which only one may be awarded for any individual parcel, and the distribution of which must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

Section 23. Subsection (1) of section 400.063, Florida

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Statutes, is amended to read:

400.063 Resident protection.—

(1) The Health Care Trust Fund shall be used for the purpose of collecting and disbursing funds generated from the license fees and administrative fines as provided for in ss. 393.0673(5), 400.062(3), 400.121(2), and 400.23(8). Such funds shall be for the sole purpose of paying for the appropriate alternate placement, care, and treatment of residents who are removed from a facility licensed under this part or a facility specified in s. 393.0678(1) in which the agency determines that existing conditions or practices constitute an immediate danger to the health, safety, or security of the residents. If the agency determines that it is in the best interest of the health, safety, or security of the residents to provide for an orderly removal of the residents from the facility, the agency may utilize such funds to maintain and care for the residents in the facility pending removal and alternative placement. The maintenance and care of the residents shall be under the direction and control of a receiver appointed pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may be expended in an emergency upon a filing of a petition for a receiver, upon the declaration of a state of local emergency pursuant to s. 252.38(3)(b)5. ~~s. 252.38(3)(a)5.~~, or upon a duly authorized local order of evacuation of a facility by emergency personnel to protect the health and safety of the residents.

Section 24. Subsection (7) of section 403.7071, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

403.7071 Management of storm-generated debris.—Solid waste

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generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(7) Unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider, a private solid waste or debris management service provider is not required to collect storm-generated yard trash, debris, or waste. Local governments are authorized and encouraged to add an addendum to existing contracts or franchise agreements for collection of storm-generated debris.

(8)(a) Each county and municipality shall apply to the department for authorization of at least one debris management site as described in subsection (2) and shall annually seek preauthorization for any previously approved debris management sites, as allowed by the department.

(b) A municipality may jointly apply for authorization of a debris management site with a county or at least one adjacent municipality, if the parties develop and approve a memorandum of understanding. Such memorandum must clearly outline the capacity of the debris management site and location of the site relative to each party. The memorandum of understanding must be approved annually as part of the preauthorization process described in paragraph (a).

Section 25. Section 489.1132, Florida Statutes, is created to read:

489.1132 Regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane.—

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

(a) "Controlling entity" means the general contractor, prime contractor, or construction manager with overall responsibility for a construction project.

(b) "Hoisting equipment" means power-operated cranes, derricks, and hoists used in construction, demolition, or excavation work that are regulated by the Occupational Safety and Health Administration.

(c) "Mobile crane" means a type of hoisting equipment incorporating a cable-suspended latticed boom or hydraulic telescoping boom designed to be moved between operating locations by transport over a roadway. The term does not include a mobile crane with a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds.

(d) "Tower crane" means a type of hoisting equipment using a vertical mast or tower to support a working boom in an elevated position if the working boom can rotate to move loads laterally either by rotating at the top of the mast or tower or by the rotation of the mast or tower itself, whether the mast or tower base is fixed in one location or ballasted and moveable between locations.

(2)(a) When a tower crane or mobile crane is located on a worksite, a hurricane preparedness plan for the crane must be available for inspection at the worksite.

(b) In preparation for a hurricane, the controlling entity must ensure that hoisting equipment is secured in the following manner no later than 24 hours before the impacts of the hurricane are anticipated to begin:

1. All hoisting equipment must be secured in compliance

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with manufacturer recommendations relating to hurricane and high-wind events, including any recommendations relating to the placement, use, and removal of advertising banners and rigging.

2. Tower crane turntables must be lubricated before the event.

3. Fixed booms on mobile cranes must be laid down whenever feasible.

4. Booms on hydraulic cranes must be retracted and stored.

5. The counterweights of any hoists must be locked below the top tie-in.

6. Tower cranes must be set in the weathervane position.

7. All rigging must be removed from hoist blocks.

8. All power at the base of tower cranes must be disconnected.

(3) A person licensed under this part who intentionally violates this section is subject to discipline under ss. 455.227 and 489.129.

(4) The Florida Building Commission shall establish best practices for the utilization of tower cranes and hoisting equipment on construction job sites during hurricane season and report its findings to the Legislature by December 31, 2026.

Section 26. Subsection (6) of section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.—As used in this part, the term:

(6) "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, if the estimated cost of renovation exceeds 30 percent of the assessed value of the

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structure. However, if the alteration is a result of a natural disaster that is the subject of a declaration of a state of emergency by the Governor, the estimated cost of renovation must exceed 75 percent of the fair market value of the building before the natural disaster.

Section 27. The Division of Emergency Management shall consult with local governments, the Department of Business and Professional Regulation, the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. By July 1, 2026, the division shall provide a report containing such recommendations to the President of the Senate and the Speaker of the House of Representatives.

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be

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null and void ab initio. This subsection applies retroactively to August 1, 2024.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(3)(a) A resident of or the owner of a business in a county or municipality may bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.

(b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:

1. The resident or business owner provides the governing body of the county or municipality written notice that a proposed or enacted moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of this section; and

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2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.

(4) This section expires June 30, 2028.

Section 29. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 30. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

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Committee on Community Affairs

CS/CS/CS/HB 683 — Construction Regulations

by Commerce Committee; Intergovernmental Affairs Subcommittee; Industries & Professional Activities Subcommittee; and Rep. Griffitts and others (CS/CS/CS/SB 712 by Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Community Affairs Committee; and Senator Grall)

The bill makes the following changes to current law:

- Requires the Department of Environmental Protection to adopt standards for installing synthetic turf, also known as "artificial grass," on residential areas and prohibits local governments from adopting regulations inconsistent with such standards.
- Revises prompt payment provisions for local government construction contracts entered into on or after July 1, 2025, requiring local governments to approve or deny a price quote for a change order from a contractor within 35 days.
- Provides that the state or any political subdivision, when contracting for public works projects, may not penalize a bidder for performing a larger volume of construction work for the state or political subdivision, or reward a bidder for performing a smaller volume of construction work.
- Amends the "private provider" statute to authorize single-trade plans review and require expedited permit processing for such; allow single-trade inspections, as authorized under current law, to be conducted virtually; and authorize single-trade inspections and plans review for solar energy and energy storage installations or alterations.
- Revises the scope of certification for certified alarm system contractors to include surveillance cameras.
- Specifies that only one interior support rail in an elevator must be continuous and at least 42 inches long.
- Exempts from the provisions of the Florida Building Code any system or equipment located on the property of a spaceport which is used for space launch vehicles, payloads, or spacecraft.
- Prohibits local building departments from requiring a copy of a contract between a builder and an owner, or any associated documents, as a requirement to apply for or receive a building permit.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.
Vote: Senate 36-0; House 114-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

An act relating to construction regulations; creating s. 125.572, F.S.; defining the term "synthetic turf"; requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; requiring that the standards take into account specified factors; prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, property owners from installing synthetic turf meeting certain standards on single-family residential property; prohibiting local governments from adopting or enforcing specified ordinances, resolutions, orders, rules, or policies that regulate synthetic turf which are inconsistent with specified standards; requiring the department to adopt rules; creating s. 218.755, F.S.; requiring local governmental entities to approve or deny certain price quotes and send written notice to contractors within a specified timeframe; requiring denial notices to specify alleged deficiencies and actions necessary to remedy such deficiencies; requiring certain payment to a contractor if a local governmental entity fails to provide such notice; prohibiting contracts from

altering specified duties of a local governmental entity; amending s. 255.0992, F.S.; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions; amending s. 399.035, F.S.; requiring only one support rail in an elevator car interior to meet certain specifications; amending s. 489.505, F.S.; revising the definition of the term "certified alarm system contractor"; amending s. 553.73, F.S.; providing an exemption from the Florida Building Code for systems or equipment located on property within a spaceport territory which is used for specified purposes; reenacting and amending s. 553.79, F.S.; prohibiting local governments from requiring copies of contracts and certain associated documents for the issuance of building permits or as a requirement for the submission of building permit applications; amending s. 553.791, F.S.; revising definitions; revising the conditions under which specified contractors may elect to use a private provider to provide inspection services; authorizing private providers to use automated or software-based plans review systems designed to make certain

determinations; requiring local building officials to issue permits within a specified timeframe if such permit application is related to certain single-trade plans reviews; authorizing certain inspections to be performed in person or virtually; amending s. 497.271, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 125.572, Florida Statutes, is created to read:

125.572 Regulation of synthetic turf.—

(1) As used in this section, the term "synthetic turf" means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

(2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.

(3) Upon the Department of Environmental Protection

adopting rules pursuant to subsection (4), a local government may not:

(a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(4) The Department of Environmental Protection shall adopt rules to implement this section.

Section 2. Section 218.755, Florida Statutes, is created to read:

218.755 Prompt processing of change orders.—For any contract for construction services entered into on or after July 1, 2025, if a local governmental entity receives from its contractor a price quote for a change order requested or issued by the local governmental entity for construction services, and the price quote conforms to all statutory requirements and contractual requirements for the project, the local governmental entity must approve or deny the price quote and send written

notice of that decision to the contractor within 35 days after receipt of such quote. A denial notice must specify the alleged deficiencies in the price quote and the actions necessary to remedy those deficiencies. If the local governmental entity fails to provide the contractor with a notice in compliance with this section, the change order and price quote are deemed approved, and the local governmental entity must pay the contractor the amount stated in the price quote upon the completion of the change order. A contract between a local governmental entity and a contractor may not alter the local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental actions.—

(2) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(d) When scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4. Paragraph (b) of subsection (1) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

(1) Each elevator, the installation of which is begun after October 1, 1990, must be made accessible to physically handicapped persons with the following requirements:

(b) Each elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches thick or 2 1/2 inches in diameter. At least one support rail ~~Support rails~~ must be continuous and a minimum length of 42 inches overall. The inside surface of support rails must be 1 1/2 inches clear of the car wall. The distance from the top of the support rail to the finished car floor must be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials such as wallpaper, vinyl, cloth, or the like may not be used on support rails.

Section 5. Subsection (7) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the National Electrical Code,

Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability, surveillance cameras, or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

Section 6. Paragraph (m) is added to subsection (10) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or

equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 7. Paragraph (f) of subsection (1) of section 553.79, Florida Statutes, is amended, and subsection (11) of that section is reenacted, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.

Section 8. Paragraphs (l) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service

panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and

holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed time ~~20-day~~ period, the permit application must ~~shall~~ be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed time ~~20-day~~ period, the time ~~20-day~~ period is ~~shall be~~ tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit revisions

to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~ period plus 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must ~~shall~~ be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in

noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person ~~in-person~~ or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

Section 9. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building

Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~so~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

Section 10. This act shall take effect July 1, 2025.

Committee on Agriculture

CS/CS/CS/SB 700 — Department of Agriculture and Consumer Services

by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; Agriculture Committee; and Senator Truenow

The bill makes a number of changes to laws related to the Department of Agriculture and Consumer Services (department) and related entities. Specifically, the bill:

- Prohibits local governments from adopting or enforcing any regulation that inhibits the construction of housing for legally verified agricultural workers and provides requirements for such housing.
- Requires any lands acquired by an electric utility which have been classified as agricultural lands at any time in the five years preceding the acquisition of the land by the electric utility to be offered for fee simple acquisition by the department before the land is offered for sale or transferred to a private individual or entity.
- Prohibits the use of drones on agricultural lands by unauthorized individuals and further enhances property owners' protections against harassment from drones.
- Permits the department to adopt rules for protecting public health, safety, and welfare to establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.
- Prohibits the use of any additive to a public water supply that is not for the explicit purpose of improving water quality.
- Permits the department to provide pest control certificate examinations in person and remotely through a third-party vendor.
- Creates the Honest Service Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support. In order to be included on the registry, a charitable organization may not solicit or accept contributions, funding, support, or services from a foreign source of concern and the organization's messaging and content may not be produced or influenced by a foreign source of concern.
- Provides it is unlawful to transport, import, sell, offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle.
- Grants the department rulemaking authority to enforce the Food and Drug Administration's (FDA) standard of identity for meat, poultry, and poultry products, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.
- Creates an annual petroleum registration program for petroleum owners or operators that own and operate vehicles for transporting petroleum products and permits the department to adopt rules detailing the requirements for such registration.
- Creates the Florida Retail Fuel Transfer Switch Modernization Grant Program.
- Prohibits local governments from restricting any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animals or equipment therein.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

- Establishes the Florida Aquaculture Foundation as a direct-support organization to conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers and to identify and pursue methods to provide statewide resources and materials for these programs.
- Creates the Silviculture Emergency Recovery Program within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency.
- Changes the Viticulture Advisory Council to the Florida Wine Advisory Council and makes conforming changes related to the new name.
- Prohibits a financial institution from discriminating in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor. The bill also provides that if a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an agriculture producer is discriminating against the agriculture producer based upon an ESG factor and provides a remedy for overcoming such inference.
- Permits the department to temporarily suspend a concealed carry license or application if notified by a government entity that the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license, until final disposition of the case.
- Revises the requirements related to the suspension or reinstatement of concealed carry licensees or applicants.
- Reduces the extended review period for a concealed carry applicant's criminal history screening from 90 to 45 days.
- Prohibits the possession of any form of a payment instrument that can be used to authorize a fuel transaction or obtain fuel with the intent to defraud the fuel retailer or the banking institution that issued the payment instrument financial account.
- Revises the definition of "mail depository" to include any other authorized receptacle.
- Revises the acts that constitute mail theft and the penalties for violations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025, except where otherwise provided.
Vote: Senate 27-9; House 88-27

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

An act relating to the Department of Agriculture and Consumer Services; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from the Career Service System; amending s. 163.3162, F.S.; defining terms; prohibiting governmental entities from adopting or enforcing any legislation that inhibits the construction of housing for legally verified agricultural workers on agricultural land operated as a bona fide farm; requiring that the construction or installation of such housing units on agricultural lands satisfies certain criteria; requiring that local ordinances comply with certain regulations; authorizing governmental entities to adopt local land use regulations that are less restrictive; requiring property owners to maintain certain records for a specified timeframe; requiring that use of a housing site be discontinued and authorizing the removal of such a site under certain circumstances; specifying applicability of permit allocation systems in certain areas of critical state concern; authorizing the continued use of housing sites constructed before the effective date of the act if certain conditions are met; requiring the department to adopt certain rules; providing for enforcement; requiring the department to submit certain information to the State Board of Immigration Enforcement on a certain schedule; amending s. 201.25, F.S.; conforming a provision to

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changes made by the act; amending s. 253.0341, F.S.; authorizing the department to surplus certain lands determined to be suitable for bona fide agricultural production; requiring the department to consult with the Department of Environmental Protection before making such determination; requiring the Department of Agriculture and Consumer Services to retain a rural-lands-protection easement for all surplused lands and deposit all proceeds into a specified trust fund; requiring the department to provide a report of lands surplused to the board of trustees; providing that certain lands are ineligible to be surplused; providing for retroactive applicability; amending s. 330.41, F.S.; defining terms; prohibiting a person from knowingly or willfully performing certain actions on lands classified as agricultural; providing criminal penalties; providing applicability; prohibiting a person from knowingly or willfully performing certain actions on private property, state wildlife management lands, or a sport shooting and training range; providing criminal penalties; providing applicability; creating s. 366.20, F.S.; requiring that certain lands acquired or owned by an electric utility by a certain date be offered for fee simple acquisition by the department before the land may be offered for sale or transfer to a private individual or entity; requiring an electric utility to issue a written intent to sell through certified mail to the Commissioner of Agriculture within a specified

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timeframe before offering to sell or transferring certain lands; authorizing the commissioner to issue a written intent to purchase via certified mail within a specified timeframe after receipt of such written intent to sell; requiring the electric utility to be released from certain provisions under certain circumstances; requiring that certain offers accepted and received by the department within a specified timeframe be executed no later than a certain date; requiring the department to adopt rules; amending s. 366.94, F.S.; defining the term "electric vehicle charging station"; authorizing the department to adopt rules; requiring local governmental entities to issue permits for electric vehicle charging stations based on specified standards and provisions of law; requiring that an electric vehicle charger be registered with the department before being placed into service for use by the public; providing the department with certain authority relating to electric vehicle charging stations; providing a penalty; authorizing the department to issue an immediate final order to an electric vehicle charging station under certain circumstances; providing that the department may bring an action to enjoin a violation of specified provisions or rules; requiring the court to issue a temporary or permanent injunction under certain circumstances; amending s. 388.011, F.S.; revising the definition of the terms "board of commissioners" and "district"; defining the term "program"; amending s.

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388.021, F.S.; making a technical change; amending s. 388.181, F.S.; authorizing programs to perform specified actions; amending s. 388.201, F.S.; conforming provisions to changes made by the act; requiring that the tentative work plan budget covering the proposed operations and requirements for arthropod control measures show the estimated amount to be raised by county, municipality, or district taxes; requiring that county commissioners' or a similar governing body's mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county, or municipality; amending s. 388.261, F.S.; increasing the maximum annual amount that a county, municipality, or district may receive, without contributing matching funds, in state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; conforming a provision to changes made by the act; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the department by a specified date; conforming provisions

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to changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod management plan and certified budget be approved by both the department and the board of county commissioners or an appropriate representative; conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has approved the operating or construction plan as outlined in the integrated arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; conforming provisions to changes made by the act; amending s. 388.311, F.S.; conforming provisions to changes made by the act; amending s. 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; conforming provisions to changes made by the act; amending s. 388.323, F.S.; requiring that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price;

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requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; conforming provisions to changes made by the act; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; conforming provisions to changes made by the act; amending s. 388.351, F.S.; conforming provisions to changes made by the act; amending s. 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending s. 388.381, F.S.; conforming provisions to changes made by the act; amending s. 388.391, F.S.; conforming provisions to changes made by the act; amending s. 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to perform onsite inspections annually of a certain percentage of all enrollments that meet specified qualifications within

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a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to submit nutrient records annually to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; prohibiting the use of certain additives in a water system which do not meet specified requirements; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-

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person and remote testing for the examination through a third-party vendor for an individual seeking a limited certification for commercial landscape maintenance; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.157, F.S.; revising requirements for issuance of a limited certification for commercial wildlife management personnel; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make an examination readily accessible and available to all applicants on a specified schedule; amending s. 482.161, F.S.; authorizing the department to take specified disciplinary action upon the issuance of a final order imposing civil penalties or a criminal conviction pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.044, F.S.; requiring the department to provide in-person and remote testing through a third-party vendor for the examination of an individual seeking a limited certification for pesticide application; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 487.175, F.S.; providing that the department may suspend, revoke, or deny licensure of a pesticide applicator upon issuance of a final order to a licensee which imposes civil penalties or a criminal

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conviction under the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 496.404, F.S.; defining the terms "foreign country of concern" and "foreign source of concern"; amending s. 496.405, F.S.; revising which documents a charitable organization or sponsor must file before engaging in specified activities; requiring that any changes to such documents be reported to the department on a specified form in a specified timeframe; revising the requirements of the charitable organization's initial registration statement; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of the charitable organization or sponsor; amending s. 496.415, F.S.; prohibiting specified persons from soliciting or accepting anything of value from a foreign source of concern; providing penalties; amending s. 496.417, F.S.; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of a charitable organization or sponsor; amending s. 496.419, F.S.; providing discretionary penalties for a charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation; creating s. 496.431, F.S.; requiring the department to create the Honest Services Registry to provide residents with information relating to charitable organizations; requiring a charitable organization included in the Honest Services Registry to submit an attestation statement

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to the department; requiring the department to publish the Honest Services Registry on the department's website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term "cottage food product"; amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away certain spores or mycelium; providing a penalty; creating s. 500.93, F.S.; defining terms; requiring the department to adopt rules to enforce the Food and Drug Administration's standard of identity for milk, meat, poultry, and poultry products, and eggs and egg products to prohibit the sale of plant-based products

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mislabeled as milk, meat, poultry, or poultry products, or egg or egg products; providing contingent effective dates; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of the term "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department,

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in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 564.06, F.S.; requiring that a certain percentage of revenues collected from certain excise taxes be deposited into the Florida Wine Trust Fund; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to adopt certain rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; requiring the department to use contracts procured by agencies; defining the term "agency"; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the

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department to change the expiration date for current licenses for a certain purpose; requiring the department to prorate the licensing fee for certain licenses; requiring the department to adopt rules; creating s. 570.694, F.S.; creating the Florida Aquaculture Foundation as a direct support organization within the department; providing the purpose of the foundation; providing governance for the foundation; authorizing the department to appoint an advisory committee adjunct to the foundation; amending s. 570.822, F.S.; defining the term "declared emergency," rather than "declared natural disaster," and revising the definition of the term "program"; providing that loan funds from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; conforming provisions to changes made by the act; creating s. 570.823, F.S.; defining terms; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency;

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providing construction; authorizing the department to adopt rules to implement this section including emergency rules that may be effective for a specified timeframe; creating s. 570.831, F.S.; requiring, subject to appropriation of funds, the Cattle Enhancement Board, Inc., in coordination with the department, to establish a Florida beef marketing program; providing a purpose for such program; amending s. 581.1843, F.S.; deleting provisions that exclude certain citrus nurseries from certain requirements; deleting provisions relating to regulated areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department’s authority to designate eradication zones, prohibit planting of cotton, and require participation in

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eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory Council; conforming provisions to changes made by the act; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; conforming provisions to changes made by the act; amending s. 599.004, F.S.; making technical changes; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; conforming provisions to changes made by the act; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; deleting provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; deleting a provision that exempts such person from paying specified taxes;

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creating s. 687.16, F.S.; providing a short title; defining terms; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's license to carry a concealed weapon or concealed firearm or the processing of an application for such license; requiring the department to notify certain licensees or applicants of their right to a hearing; requiring the department to issue an order confirming the end of a suspension within a specified timeframe after an applicant or licensee submits a copy of a specified document to the department; requiring that such document be sent through electronic or certified mail to a specified location; requiring that the

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suspension remain in effect upon a certain disposition of a criminal case or injunction; providing construction; providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions; amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail fuel theft; creating s. 812.136, F.S.; defining terms; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; amending s. 934.50, F.S.; deleting certain exceptions from the prohibited uses of drones; providing that a drone may be used for certain purposes by a local governmental entity or person under contract with or acting under the direction of such entity; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to

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494 incorporate the amendment made to s. 110.205, F.S., in
495 a reference thereto; reenacting s. 189.062(1)(a),
496 F.S., relating to special procedures for inactive
497 districts and state aid to counties, to incorporate
498 the amendment made to s. 388.271, F.S., in references
499 thereto; reenacting ss. 482.072(3)(b) and 482.163,
500 F.S., relating to pest control customer contact
501 centers and responsibility for pest control activities
502 of employee, respectively, to incorporate the
503 amendment made to s. 482.161, F.S., in references
504 thereto; reenacting s. 487.156, F.S., relating to
505 governmental agencies, to incorporate the amendment
506 made to s. 487.044, F.S., in a reference thereto;
507 reenacting ss. 496.4055(2) and 496.406(2) and (4),
508 F.S., relating to charitable organization or sponsor
509 board duties and exemption from registration,
510 respectively, to incorporate the amendment made to s.
511 496.405, F.S., in references thereto; reenacting s.
512 500.80(1)(a), F.S., relating to cottage food
513 operations, to incorporate the amendment made to s.
514 500.12, F.S., in a reference thereto; reenacting s.
515 500.121(6), F.S., relating to disciplinary procedures,
516 to incorporate the amendment made to s. 500.172, F.S.,
517 in a reference thereto; reenacting s. 790.061, F.S.,
518 relating to judges and justices, to incorporate the
519 amendment made to s. 790.06, F.S., in a reference
520 thereto; providing effective dates.
521
522 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in The Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in The Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in The Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in The Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in The Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department

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Financial Administrator.

6. Positions in The Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Present paragraphs (a) through (d) of subsection (2) of section 163.3162, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) and paragraphs (f) and (g) are added to that subsection, and subsections (5), (6), and (7) are added to that section, to read:

163.3162 Agricultural Lands and Practices.—

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

(a) "Department" means the Department of Agriculture and Consumer Services.

(f) "Housing site" means the totality of development supporting authorized housing, including buildings, mobile homes, barracks, dormitories used as living quarters, parking areas, common areas such as athletic fields or playgrounds, storage structures, and other related structures.

(g) "Legally verified agricultural worker" means a person

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who:

1. Is lawfully present in the United States;

2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;

3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;

4. Is seasonally or annually employed in bona fide agricultural production;

5. Remains lawfully present and authorized to work throughout the duration of that employment; and

6. Is not an unauthorized alien as defined in s. 448.095(1).

(5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

(a) A governmental entity may not adopt or enforce any legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to s. 193.461 which is operated as a bona fide farm except as provided in this subsection.

(b) Construction or installation of housing units for legally verified agricultural workers on parcels of land classified as agricultural land under s. 193.461 must satisfy all of the following criteria:

1. The dwelling units must meet federal, state, and local building standards, including standards of the Department of Health adopted pursuant to ss. 381.008-381.00897 and federal standards for H-2A visa housing. If a written notice of intent is required to be submitted to the Department of Health pursuant to s. 381.0083, the appropriate governmental entity with

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jurisdiction over the agricultural lands may also require submittal of a copy of the written notice.

2. The housing site must be maintained in a neat, orderly, and safe manner.

3. All structures containing dwelling units must be located a minimum of 10 feet apart.

4. The square footage of the housing site's climate-controlled facilities may not exceed 1.5 percent of the property's area or 35,000 square feet, whichever is less.

5. A housing site must provide front, side, and rear yard setbacks of at least 50 feet. However, an internal project driveway may be located in the required yard space if the yard is adjacent to a public roadway or to property that is under common ownership with the housing site.

6. A housing site may not be located less than 100 feet from a property line adjacent to property zoned for residential use. If the housing site is located less than 250 feet from any property line, screening must be provided between the housing site and any residentially developed adjacent parcels that are under different ownership. The screening may be designed in any of the following ways:

a. Evergreen plants that, at the time of planting, are at least 6 feet in height and provide an overall screening opacity of 75 percent;

b. A masonry wall at least 6 feet in height and finished on all sides with brick, stone, or painted or pigmented stucco;

c. A solid wood or PVC fence at least 6 feet in height with the finished side of the fence facing out;

d. A row of evergreen shade trees that, at the time of

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planting, are at least 10 feet in height, a minimum of 2-inch caliper, and spaced no more than 20 feet apart; or

e. A berm made with a combination of the materials listed in sub-subparagraphs a.-d., which is at least 6 feet in height and provides an overall screening opacity of 75 percent at the time of installation.

7. All access driveways that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface.

(c) Any local ordinance adopted pursuant to this subsection must comply with all state and federal regulations for migrant farmworker housing, as applicable, including rules adopted by the Department of Health pursuant to ss. 381.008–381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. A governmental entity may adopt local government land use regulations that are less restrictive than this subsection, but which still meet regulations established by the Department of Health pursuant to ss. 381.008–381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. An ordinance adopted pursuant to this paragraph may not conflict with the definition and requirements of a legally verified agricultural worker.

(d) Beginning July 1, 2025, a property owner must maintain records of all approved permits, including successor permits, for migrant labor camps or residential migrant housing as required under s. 381.0081. A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records

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by a governmental entity.

(e) A housing site may not continue to be used and may be required to be removed under the following circumstances:

1. If, for any reason, a housing site is not being used for legally verified agricultural workers for longer than 365 days, any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.

2. If the property on which the housing site is located ceases to be classified as agricultural land pursuant to s. 193.461.

3. If the permit authorized by the Department of Health for the housing site is revoked, all structures must be removed from the housing site within 180 days after receipt of written notification from the county unless the permit is reinstated by the Department of Health.

4. If a housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States. A property owner who violates this subparagraph is subject to a Class I fine pursuant to s. 570.971, not to exceed $1,000, for the first violation, and a Class II fine, not to exceed $5,000, for any subsequent violations. The fines shall be collected by the clerk of the court of the county in which the violation occurred.

(f) Notwithstanding this subsection, the construction or

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installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern, respectively.

(g) A housing site that was constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required by a governmental entity to make changes to meet the requirements of this subsection, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated. The property owner of a housing site authorized under this paragraph must provide regular maintenance and repair, including compliance with health and safety regulations and maintenance standards, for such housing site to ensure the health, safety, and habitability of the housing site.

(6) DATA COLLECTION.—The department shall adopt rules providing for:

(a) A method for governmental entities to submit reports of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to s. 193.461, as provided in this section.

(b) A method for persons to submit complaints for review and investigation by the department.

Governmental entities shall provide this information quarterly to the department in a format and timeframe prescribed by rule.

(7) ENFORCEMENT.—

(a) In addition to the enforcement methods of employment

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verification outlined in s. 448.095, the department shall enforce the requirements of subsection (5). Enforcement includes completing routine inspections based on a random sample of data collected by government entities and submitted to the department, the investigation and review of complaints, and the enforcement of violations.

(b) The department shall submit the information collected to the State Board of Immigration Enforcement on a quarterly basis, except that the first quarter shall begin 60 days after the first quarterly data report under subsection (6) by a governmental entity is received and reviewed by the department.

Section 3. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program pursuant to s. 570.822.

Section 4. Subsection (19) is added to section 253.0341, Florida Statutes, to read:

253.0341 Surplus of state-owned lands.—

(19) Notwithstanding any other law or rule, the Department of Agriculture and Consumer Services may surplus lands acquired pursuant to s. 366.20 which are determined to be suitable for bona fide agricultural production, as defined in s. 193.461. The Department of Agriculture and Consumer Services shall consult with the Department of Environmental Protection in the process of making such determination. In the event that lands acquired pursuant to s. 366.20, which are determined to be suitable for

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bona fide agricultural production are surplused, the Department of Agriculture and Consumer Services must retain a rural-lands-protection easements pursuant to s. 570.71(3), and all proceeds must be deposited into the Incidental Trust Fund within the Department of Agriculture and Consumer Services for less than fee simple land acquisition pursuant to ss. 570.71 and 570.715. By January 1, 2026, and each January 1 thereafter, the Department of Agriculture and Consumer Services shall provide a report of lands surplused pursuant to this subsection to the board.

(a) Any lands designated as a state forest, state park, or wildlife management area are ineligible to be surplused pursuant to this subsection.

(b) This subsection is retroactive to January 1, 2009.

Section 5. Present paragraphs (a) through (d) and (e) of subsection (2) of section 330.41, Florida Statutes, are redesignated as paragraphs (b) through (e) and (j), respectively, and subsection (6) of that section is redesignated as subsection (8), a new paragraph (a) and paragraphs (f), (g), (h), and (i) are added to subsection (2) of that section and a new subsection (6) and subsection (7) are added to that section, and paragraph (d) of subsection (4) of that section is amended, to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Commercial property" means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is comprised of five or more dwelling units, and real property used for

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commercial, industrial, or agricultural purposes.

(f) "Private property" means any residential or commercial property.

(g) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) "Residential property" means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(i) "Sport shooting and training range" has the same meaning as in s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(d) This subsection and paragraph (2)(b) ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within a distance close enough to such lands to interfere with or cause a disturbance to

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agricultural production.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the agricultural lands.

2. A person acting under the prior written consent of the owner of the agricultural lands.

3. A person or entity acting in compliance with the provisions of s. 934.50.

(7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING LANDS.—

(a) A person may not knowingly or willfully allow a drone to make contact with private property, state wildlife management lands, or a sport shooting and training range or any person or object on the premises of or within such property with the intent to harass.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who violates paragraph (a) and records video of the private property, state wildlife management lands, or sport shooting and training range, including any person or object on the premises of or within the private property, state

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wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The property owner of the private property or sport shooting and training range, or a person acting under the prior written consent of the property owner.

2. A person or entity acting in compliance with the provisions of s. 934.50.

Section 6. Effective July 31, 2026, section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(2) Lands owned by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of acquisition of the land by the

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electric utility must be offered for fee simple acquisition by the department through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(3)(a) Within 30 days before offering for sale or transferring lands identified pursuant to subsection (1) or subsection (2) to a private individual or entity, an electric utility must issue a written intent to sell sent through certified mail to the Commissioner of Agriculture.

(b) Within 30 days after the date of receipt by certified mail of the written intent by an electric utility to sell or transfer such land, the commissioner may issue a written intent to purchase via certified mail to the electric utility that issued the intent to sell. If the commissioner declines, or does not issue an intent to purchase within the 30 day timeframe, the electric utility is released from the requirements of this section.

(4) Offers accepted by the department pursuant to paragraph (3)(b) which are received no later than 6 months before the start of the regular legislative session must be executed no later than July 31 following that regular legislative session.

(5) The department shall adopt rules to implement this section.

Section 7. Present subsections (3) and (4) of section 366.94, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term "electric vehicle

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charging station" means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging stations is preempted to the state.

(b) ~~(a)~~ A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

(3)(a) ~~(b)~~ The Department of Agriculture and Consumer Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce this subsection and any rules adopted thereto. The department may impose one or more of the following penalties

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against a person who violates this subsection or any rule adopted under this subsection:

1. Issuance of a warning letter.

2. Imposition of an administrative fine in the Class II category pursuant to s. 570.971 for each violation.

(f) If the department determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, the department may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction must be issued without bond.

Section 8. Present subsections (10) and (11) of section 388.011, Florida Statutes, are redesignated as subsections (11) and (12), respectively, a new subsection (10) is added to that section, and subsections (2) and (5) of that section are amended, to read:

388.011 Definitions.—As used in this chapter:

(2) "Board of commissioners" means the governing body of any mosquito control program ~~district~~, and may include boards of county commissioners, city councils, municipalities, or other

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similar governing bodies when context so indicates.

(5) "District" means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of such ~~said~~ districts.

(10) "Program" means any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules promulgated hereunder. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

(2) It is the legislative intent that ~~those~~ mosquito control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and

after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are hereby fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under ~~the provisions of~~ this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed operations and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget must ~~shall~~ set forth, classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~ generally, to which may be added an amount to be held as a reserve.

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(2) The tentative detailed work plan budget must ~~shall~~ also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted, ~~. There shall be shown~~ the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by county, municipality, or district taxes and from any and all other sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board shall:

(a) ~~Shall~~ Consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) ~~Shall~~ By September 30, adopt and execute on a form furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget must ~~shall~~ be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control budgets or the budgets of a similar governing body of a county, city, or town must ~~shall~~ be made and adopted as prescribed by subsections (1) and (2); summary figures must ~~shall~~ be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of county commissioners vested with powers and duties of board of commissioners in certain counties.—In those counties or municipalities where there has been no formation of a separate or special board of commissioners, all

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the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of county commissioners or similar governing body of said county or municipality.

Section 13. Section 388.261, Florida Statutes, is amended to read:

388.261 State aid to counties, municipalities, and districts for arthropod control; distribution priorities and limitations.—

(1) A county, municipality, or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than $75,000 ~~$50,000~~ per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

(2) Every county, municipality, or district budgeting local funds to be used exclusively for the control of mosquitoes and other arthropods, under a plan submitted by the county, municipality, or district and approved by the department, is eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If state funds appropriated by the Legislature are insufficient to grant each county, municipality, or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department must ~~shall~~ distribute the funds as prescribed by rule. Such rules must ~~shall~~ provide for up to 80 percent of the funds to be

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distributed to programs with local funds for mosquito control budgets of less than $1 million, if the county, municipality, or district meets the eligibility requirements. The funds must ~~shall~~ be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds must ~~shall~~ be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(3) Every county shall be limited to receive a total of $120,000 of state funds, exclusive of state funds brought forward, during any one year.

(4) Up to 20 percent of the annual funds appropriated to local governments for arthropod control may be used for arthropod control research or demonstration projects as approved by the department.

(5) If more than one program ~~local mosquito control agency~~ exists in a county or municipality, the funds must ~~shall~~ be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1), subsection (2), or subsection (3) when the department determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a

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county, municipality, or district eligible to receive state funds under s. 388.271.

(8) The department is authorized to use up to 5 percent of the funds appropriated annually by the Legislature under this section to provide technical assistance to the counties, municipalities, or districts, or to purchase equipment, supplies, or services necessary to administer the provisions of this chapter.

Section 14. Subsections (1) and (2) of section 388.271, Florida Statutes, are amended to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county and municipal governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each program ~~county~~ eligible to participate may, and each district must, begin participation on October 1 of any year by filing with the department not later than July 15 a tentative integrated arthropod management plan ~~work plan~~ and tentative detailed ~~work plan~~ budget providing for the control of arthropods. Following approval of the plan and budget by the department, a copy ~~two copies~~ of the program's ~~county's or district's~~ certified budget based on the approved integrated arthropod management ~~work~~ plan and detailed ~~work plan~~ budget must ~~shall~~ be submitted to the department by September 30 ~~following~~. State funds, supplies, and services must ~~shall~~ be made available to such program ~~county or district~~ by and through the department ~~immediately~~ upon release of funds by the Executive Office of the Governor.

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(2) All purchases of supplies, materials, and equipment by programs must ~~counties or districts shall~~ be made in accordance with the laws governing purchases by boards of county commissioners or similar governing bodies, except that programs ~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs ~~counties and districts~~ hereunder must ~~shall~~ be used in accordance with the integrated arthropod management ~~detailed work~~ plan and certified budget approved by both the department and the board of commissioners or an appropriate representative ~~county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices

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in any area, provided that the department cooperating with the county, municipality, or district has approved the operating or construction plan as outlined in the integrated arthropod management plan and that it has been determined by criteria contained in rule that the area or areas to be controlled would produce arthropods in significant numbers to constitute a health or nuisance problem.

(2) The program ~~county or district~~ shall manage the detailed business affairs and supervise the ~~said~~ work, and the department shall advise the programs ~~districts~~ as to the best and most effective measures to be used in bringing about better temporary control and the permanent elimination of breeding conditions. The department may at its discretion discontinue any state aid provided hereunder in the event it finds the jointly agreed upon program is not being followed or is not efficiently and effectively administered.

Section 17. Section 388.301, Florida Statutes, is amended to read:

388.301 Payment of state funds; supplies and services.—State funds shall be payable ~~quarterly~~, in accordance with the rules of the department, upon requisition by the department to the Chief Financial Officer. The department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles, and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical and economical to use equipment, supplies, and services between two or more programs ~~counties or districts~~.

Section 18. Section 388.311, Florida Statutes, is amended to read:

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388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program must ~~district shall~~ be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program must ~~county or district shall~~ first be offered to any ~~or all~~ other programs ~~counties or districts~~ engaged in arthropod control at a price

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established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, must ~~shall~~ be followed if it is determined that no other program ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds ~~county or district~~ shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating~~ under ~~the provisions of~~ this chapter shall within 30 days after the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about by an arthropod-borne epidemic or other disaster requiring emergency control.

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Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Prior to the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification~~,~~ or the disbursal of state aid; or deny participation, in accordance with the provisions of chapter 120, upon any one or more of the following grounds as may be applicable:

(a) Violation of any rule of the department or provision of this chapter.

(b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.

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(c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, or denial, revocation, or suspension of a certification or license or disbursal of state aid would be detrimental to the public or be unnecessarily harsh under the circumstances, in its discretion, place the offending party on probation for a period of not more than 2 years. If the department determines that the terms of such probation have been violated, it may reinstitute license or certification or state aid denial, suspension, or revocation proceedings.

Section 26. Section 388.381, Florida Statutes, is amended to read:

388.381 Cooperation by programs ~~counties and district~~.—Any program conducting ~~county or district carrying on an~~ arthropod control ~~program~~ may cooperate with another county, district, or municipality in carrying out work ~~a program~~ for the control of mosquitoes and other arthropods, by agreement as to the program and reimbursement thereof, when approved by the department.

Section 27. Section 388.391, Florida Statutes, is amended to read:

388.391 Control measures in municipalities and portions of counties located outside boundaries of programs ~~districts~~.—Any program ~~district~~ whose operation is limited to a portion of the county in which it is located may perform any control measures authorized by this chapter in any municipality located in the

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same county or in any portions of the same county, where there is no established program ~~district~~, when requested to do so by the municipality or county, pursuant to s. 388.381.

Section 28. Section 388.401, Florida Statutes, is amended to read:

388.401 Penalty for damage to property or operations.—Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of any program ~~county or district~~ created under this or other chapters, or any works constructed, maintained, or controlled by such program ~~county or district~~, or who obstructs ~~shall obstruct~~ or causes ~~cause~~ to be obstructed any of the operations of such program ~~county or district~~, or who ~~shall~~ knowingly or willfully violates ~~violate~~ any provisions of this chapter or any rule or regulation promulgated by any board of commissioners of any program, commits ~~county or district shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraph (a) of subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) *Membership.*—The Florida Coordinating Council on Mosquito Control shall be composed ~~comprised~~ of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection.

2. The State Surgeon General.

3. The executive director of the Fish and Wildlife Conservation Commission.

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4. The state epidemiologist.

5. The Commissioner of Agriculture.

6. The Board of Trustees of the Internal Improvement Trust Fund.

7. Representatives from:

a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory.

b. The United States Environmental Protection Agency.

c. The United States Department of Agriculture, Center of Medical, Agricultural, and Veterinary Entomology ~~Insects Affecting Man Laboratory~~.

d. The United States Fish and Wildlife Service.

8. Four ~~Two~~ mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture and serve until his or her successor is appointed.

Section 30. Paragraph (d) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(d) *Enforcement and verification of basin management action plans and management strategies.*—

1. Basin management action plans are enforceable pursuant

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to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture

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and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus ~~fertilizer~~ application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may use in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet the following requirements:

a. A parcel not more than 25 acres in size;

b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located;

c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled

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water from wet detention treatment ponds or reuse water;

d. A parcel where the agricultural activity on the parcel is not a vegetable crop, an agronomic crop, a nursery, or a dairy operation;

e. A parcel not abutting an impaired water body identified in subsection (4); and

f. A parcel not part of a larger operation that is enrolled in the Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring prescribed by the department or a water management district.

Such requirements must specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of 20 percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspections must include a collection and review of the identified best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus application records for the previous calendar year, to the Department of Agriculture

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and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852, Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) "Water quality additive" means any chemical, additive, or substance that is used in a public water system for the purpose of:

(a) Meeting or surpassing primary or secondary drinking water standards;

(b) Preventing, reducing, or removing contaminants; or

(c) Improving water quality.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additive in a public water system which does not meet the definition of a water quality additive as defined in s. 403.852(19).

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator's certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each

category of her or his certificate or must pass an examination <u>that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee</u> ~~given by the department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.

2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.

3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.

4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest control.

5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.

6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location, provider, and subject of the training and must provide such

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other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but ~~which~~ may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~hold at least two examinations each year~~. An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section 482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department~~. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than $150 or less than $50; and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of

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acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county~~.

Section 36. Subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than $150 or less than $50. Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination and provide in-person and remote testing through a third-party vendor. A

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third-party vendor may collect and retain a convenience fee ~~make the examination readily accessible and available to applicants at least quarterly or as necessary in each county~~.

Section 37. Subsection (2) of section 482.157, Florida Statutes, is amended to read:

482.157 Limited certification for commercial wildlife management personnel.—

(2) The department shall issue a limited certificate to an applicant who:

(a) Submits an application and examination fee of at least $150, but not more than $300, as prescribed by the department by rule;

(b) Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~administered by the department~~. The department shall make available ~~provide~~ the appropriate study materials for the examination ~~and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly~~; and

(c) Provides proof, including a certificate of insurance, that the applicant has met the minimum bodily injury and property damage insurance requirements in s. 482.071(4).

Section 38. Paragraph (m) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited

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certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license must ~~shall~~ demonstrate minimum competence as to:

(a) The proper use of the equipment.

(b) The environmental hazards that may be involved in applying restricted-use pesticides.

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(c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.

(d) Identification of common pests to be controlled and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.

(f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws, rules, and regulations.

(h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Present subsections (13) through (28) of section 496.404, Florida Statutes, are redesignated as subsections (15) through (30), respectively, and new subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) "Foreign country of concern" has the same meaning as in s. 286.101(1)(b).

(14) "Foreign source of concern" means any of the following:

(a) The government or any official of the government of a foreign country of concern;

(b) A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

(c) A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;

(d) Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;

(e) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

(f) An entity in which a person, entity, or collection of persons or entities described in paragraphs (a)-(e) has a controlling interest. As used in this paragraph, the term "controlling interest" means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

Section 42. Present paragraphs (d) through (g) of subsection (2) of section 496.405, Florida Statutes, are

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redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and (e) are added to that subsection, subsection (11) is added to that section, and subsection (1) and paragraph (b) of subsection (7) of that section are amended, to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement annually thereafter, with the department.

(a) Except as provided in paragraph (b), any changes in the information submitted on the initial registration statement or the last renewal statement must be updated annually on a renewal statement provided by the department on or before the date that marks 1 year after the date the department approved the initial registration statement as provided in this section. The department shall annually provide a renewal statement to each registrant by mail or by electronic mail at least 30 days before the renewal date.

(b) Any changes to the information submitted to the department pursuant to paragraph (2)(f) ~~(2)(d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department

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on a form prescribed by the department within 10 days after the change occurs.

(c) A charitable organization or sponsor that is required to file an initial registration statement or annual renewal statement may not, before approval of its statement by the department in accordance with subsection (7), solicit contributions or have contributions solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor or participate in a charitable sales promotion or sponsor sales promotion.

(d) The registration of a charitable organization or sponsor may not continue in effect and shall expire without further action of the department under either of the following circumstances:

1. After the date the charitable organization or sponsor should have filed, but failed to file, its renewal statement in accordance with this section.

2. For failure to provide a financial statement within any extension period provided under s. 496.407.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter

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106, is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value

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from a foreign source of concern.

(a) For a first violation of this subsection, this prohibited act is considered involuntary, and shall result in no punitive action from the department if the charitable organization satisfies all of the following requirements:

1. Provides the department with a solicitation or contribution form containing an attestation from such foreign source or country of concern in which the person, country, or entity falsely certifies that they are not a foreign country of concern as defined in s. 496.404(13) or a foreign source of concern as defined in s. 496.404(14);

2. Provides the department with a copy of a refund to the foreign source or country of concern within 30 days after notification by the department of the prohibited act; and

3. Provides the department with a plan of action to prevent the acceptance of contributions from a foreign country or source of concern in future solicitation activities by the charitable organization.

(b) A second or subsequent violation of this subsection is considered voluntary, and the charitable organization or sponsor is subject to the penalties specified in s. 496.419(5) at the discretion of the department.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11) A charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or (2)(e) is subject to the penalties specified in subsection (5) at the discretion of the department.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Services Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety or a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

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3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within this state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and must be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant must be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1.-3. If an application for renewal of a food permit is not received by the department on or before its due date, a late fee not exceeding $100 must be paid in addition to the food permit fee before the department may issue the food

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permit. The moneys collected must be deposited in the General Inspection Trust Fund.

1. A food permit issued to a new food establishment ~~on or after September 1, 2023,~~ is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date thereafter.

2. ~~Effective January 1, 2024,~~ A food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter. The department may charge a prorated permit fee for purposes of this subparagraph.

3. The department may establish a single permit renewal date for multiple food establishments owned by the same entity ~~The owner of 100 or more permitted food establishment locations may elect to set the expiration of food permits for such establishments as December 31 of each calendar year~~.

Section 49. Section 500.166, Florida Statutes, is amended to read:

500.166 Records of interstate shipment.—For the purpose of enforcing this chapter, carriers engaged in interstate commerce and persons receiving food in interstate commerce shall retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity, shipper and consignee thereof and, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.

Section 50. Subsection (1) of section 500.172, Florida

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Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.—

(1) When the department, or its duly authorized agent who has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created to

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read:

500.75 Mushroom spores and mycelium; offenses.—It is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, or poultry.—

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

(a) "Egg" or "egg product" has the same meaning as in 21 U.S.C. s. 1033 and the Egg Products Inspection Act.

(b) "FDA" means the United States Food and Drug Administration.

(c) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(d) "Milk" has the same meaning as in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance.

(e) "Poultry" or "poultry product" has the same meaning as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2)(a) In accordance with the established standard of identity for milk defined in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance, the department shall adopt rules to enforce the FDA's standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products

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mislabeled as milk in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3)(a) In accordance with the established standard of identity for meat defined in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act, and both poultry and poultry products defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products which is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(4)(a) In accordance with the established standard of identity for eggs and egg products as defined in 21 U.S.C. s. 1033 and the Egg Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for eggs and egg products, as adopted in state law, to prohibit the sale

of plant-based products mislabeled as egg or egg products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as egg or egg products that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(5) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(6) The department shall adopt rules to implement this section.

(7) This section may not be construed to limit the department's authority to enforce laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) "Antifreeze" means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling

liquid, in the cooling system of ~~internal combustion engines of~~ motor vehicles to prevent freezing of the cooling liquid or to lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle component cooling, or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

Section 55. Section 525.19, Florida Statutes, is created to read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum registration program for petroleum owners or operators and shall adopt rules detailing the requirements for such registration that include, at minimum:

(a) The name of the petroleum owner or operator;

(b) The address of the petroleum owner or operator;

(c) The phone number of the petroleum owner or operator;

(d) The e-mail address of the petroleum owner or operator;

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all registrants.

(3) The department has the authority to require registrants to provide updates related to the status of infrastructure, inventory, and delivery information during a state of emergency as declared by an executive order issued by the Governor.

Section 56. Section 526.147, Florida Statutes, is created to read:

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

(1)(a) There is created, subject to appropriation, the Florida Retail Fuel Transfer Switch Modernization Grant Program within the Department of Agriculture and Consumer Services.

(b) The grant program shall provide grant funds, not to exceed $10,000 per retail fuel facility, to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities to allow for the continuity of fueling operations under generated power.

(c) The department shall award funds based upon the following criteria:

1. Up to $10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally constrained counties as designated under s. 218.67(1).

2. Up to $5,000, of costs for transfer switch purchase and installation for all other retail fuel locations.

(d) Retail fuel facilities which are awarded grant funds must comply with s. 526.143 and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than four fueling positions are excluded from being awarded funding

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through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity must ~~and bearing the total selling price of the package shall~~ bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale. ~~Whenever~~ A packaged commodity ~~is advertised in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Subsection (10) of section 564.06, Florida Statutes, is amended to read:

564.06 Excise taxes on wines and beverages.—

(10) Fifty percent of all revenues collected from the excise taxes imposed by this section on wine produced by manufacturers in this state from products grown in the state must be deposited into the Florida Wine ~~Viticulture~~ Trust Fund established pursuant to s. 599.012.

Section 60. Present subsections (44), (45), and (46) of section 570.07, Florida Statutes, are redesignated as subsections (47), (48), and (49), respectively, and new subsections (44), (45), and (46) are added to that section, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(44)(a) To foster and encourage the employment and retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth, and career success.

(46)(a) Notwithstanding ss. 287.042 and 287.057, to use

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contracts procured by another agency.

(b) As used in this subsection, the term "agency" has the same meaning as provided in s. 287.012.

Section 61. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ~~ss.~~ 604.15-604.34 and chapters 177, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 62. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

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(3) The department shall adopt rules to implement this section.

Section 63. Section 570.694, Florida Statutes, is created to read:

570.694 Florida Aquaculture Foundation.—

(1) The Florida Aquaculture Foundation is established as a direct-support organization within the Department of Agriculture and Consumer Services. The purpose of the foundation is to:

(a) Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.

(b) Identify and pursue methods to provide statewide resources and materials for these programs.

(2) The foundation shall be governed by s. 570.691.

(3) The department is authorized to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232.

Section 64. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an emergency ~~a natural disaster~~ for which a state of emergency is

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declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is $500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

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(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application period may be renewed upon a determination from the department and pursuant to an active declared emergency.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured

by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

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(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a

third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government

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Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 65. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

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(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Program" means the silviculture emergency recovery program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged;

2. Site preparation, and tree replanting; or

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following a specified declared emergency. The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which would render the

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approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 66. Section 570.831, Florida Statutes, is created to read:

570.831 Florida beef marketing program.—The Cattle Enhancement Board, Inc., in coordination with the department, shall, subject to appropriation, establish a Florida beef marketing program to conduct research designed to expand the uses of beef and beef products and strengthen the market position of Florida's cattle industry through marketing campaigns and promotions within this state and the nation.

Section 67. Subsections (2) and (5) of section 581.1843, Florida Statutes, are amended to read:

581.1843 Citrus nursery stock propagation and production and the establishment of regulated areas around citrus nurseries.—

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from~~

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~~commercial citrus groves while continuously operating at the same location for which it was registered~~. However, the nursery shall be required to propagate citrus within a protective structure approved by the department. Effective January 1, 2008, it is ~~shall be~~ unlawful to distribute any citrus nursery stock that was not produced in a protective structure approved by the department.

~~(5) The department shall establish regulated areas around the perimeter of commercial citrus nurseries that were established on sites after April 1, 2006, not to exceed a radius of 1 mile. The planting of citrus in an established regulated area is prohibited. The planting of citrus within a 1-mile radius of commercial citrus nurseries that were established on sites prior to April 1, 2006, must be approved by the department. Citrus plants planted within a regulated area prior to the establishment of the regulated area may remain in the regulated area unless the department determines the citrus plants to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, nonapproved planted citrus, and citrus that has sprouted by natural means in regulated areas. The property owner shall be responsible for the removal of citrus planted without proper approval. Notice of the removal of citrus trees, by immediate final order of the department, shall be provided to the owner of the property on which the trees are located. An immediate final order issued by the department under this section shall notify the property owner that the citrus trees, which are the subject of the immediate final order, must be removed and destroyed unless the property owner, no later than~~

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~~10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 68. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 69. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss. 120.569 and 120.57-120.595~~.

Section 70. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine ~~Viticulture~~ Advisory Council, to be composed ~~consist~~ of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural

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Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine ~~Viticulture~~ Advisory Council are to submit to the Commissioner of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Wine ~~Viticulture~~ Plan.

Section 71. Section 599.003, Florida Statutes, is amended to read:

599.003 State Wine ~~Viticulture~~ Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and coordinate the implementation of the State Wine ~~Viticulture~~ Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

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(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

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(2) A revision and update of the State Wine ~~Viticulture~~ Plan must ~~shall~~ be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request must ~~shall~~ be submitted annually.

Section 72. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs must ~~shall~~ be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine ~~Viticulture~~ Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 73. Section 599.012, Florida Statutes, is amended to read:

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599.012 Florida Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Florida Wine ~~Viticulture~~ Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

(b) Promote viticulture products manufactured from products grown in the state.

(c) Provide grants for viticultural research.

(2) Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06 on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine ~~Viticulture~~ Trust Fund in accordance with that section.

Section 74. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law. However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the

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department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

Section 75. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Farmer Financial Protection Act."

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

(a) "Agriculture producer" means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(b) "Agritourism activity" has the same meaning as provided in s. 570.86.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those

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entities or business associations authorized to do business in this state.

(e) "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) "Discriminate in the provision of financial services" means to deny or restrict services and thereby decline to provide financial services.

(g) "ESG factor" means any factor or consideration that is collateral to or not reasonably likely to affect or impact financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) "Financial institution" means a company defined under s. 655.005(1)(h) and (i), which has total assets of more than $100 million. A financial institution includes any affiliate as defined in s. 655.005(1)(a) or subsidiary company as defined in s. 655.005(1)(x), even if such affiliate or subsidiary company is also a financial institution.

(j) "Financial service" means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the

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provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in general law. Actions for damages may be sought by an aggrieved party.

Section 76. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

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4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 77. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the

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Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live

fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida Department of Law Enforcement ~~and subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. If the criminal case or injunction results in a nondisqualifying disposition and the applicant or licensee is otherwise eligible, the suspension shall end. The department must issue an order confirming the end

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of the suspension within 90 days after the applicant or licensee's submission to the department of a copy of the final resolution of the criminal case or injunction. The copy provided to the department must be sent through electronic or certified mail to a location that shall be specified on the notice of suspension received by the licensee or applicant. If the criminal case or injunction results in a disqualifying disposition, the suspension must remain in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection may not be construed to limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of

Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the result of the criminal history screening identifies ~~department receives~~ criminal history information related to a crime that may disqualify the applicant but does not contain ~~with no~~ final disposition of the crime or lacks sufficient information to make an eligibility determination ~~on a crime which may disqualify the applicant~~, the time limitation prescribed by this paragraph may be extended for up to an additional 45 days after the receipt of the information ~~suspended until receipt of the final disposition or proof of restoration of civil and firearm rights~~. The department may make a request for information to the jurisdiction where the criminal history information originated but must issue a license if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 45 days if the applicant is otherwise eligible. The department may take any action authorized in this section if it receives disqualifying criminal history information during the additional 45-day review period or after issuance of a license.

(10) A license issued under this section must ~~shall~~ be temporarily suspended as provided for in subparagraph (6)(c)3., or revoked pursuant to chapter 120 if the license was issued in error or if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which

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prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing

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address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 78. Subsection (2) of section 812.0151, Florida Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail fuel

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dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b)<u>; or</u>

<u>3. Possesses or uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account</u>.

Section 79. Section 812.136, Florida Statutes, is created to read:

<u>812.136 Mail theft.—</u>

<u>(1) As used in this section, unless the context otherwise requires:</u>

<u>(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another,</u>

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along with its contents.

(b) "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service or any other authorized receptacle.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) Any of the following acts constitutes mail theft:

(a) Knowingly removing mail from a mail depository or taking mail from a mail carrier of a postal service with an intent to either temporarily or permanently:

1. Deprive the intended recipient of such mail of his or her right to the mail.

2. Appropriate the mail to his or her own use or the use of any person not entitled to the use of such mail.

(b) Knowingly obtaining custody of mail by fraud or deception with an intent to either temporarily or permanently:

1. Deprive the intended recipient of such mail of his or her right to the mail.

2. Appropriate the mail to his or her own use or the use of any person not entitled to the use of the mail.

(c) Selling, receiving, possessing, transferring, buying, or concealing mail in violation of paragraph (a) or paragraph (b) of this subsection, while knowing or having reason to know the mail was obtained illegally.

(3) Any of the following constitutes theft of or unauthorized reproduction of a mail depository key or lock:

(a) Knowingly obtaining or using, or endeavoring to obtain

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or use, any key or lock used by a postal service for a mail depository with the intent to either temporarily or permanently:

1. Deprive the owner of such key or lock of his or her right to such key or lock.

2. Appropriate the key or lock to his or her own use or the use of any person not entitled to the use of such key or lock.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed.

(c) Selling, receiving, possessing, transferring, buying, or concealing a key or lock obtained in violation of paragraph (a) or paragraph (b) while knowing or having reason to know such key or lock was obtained illegally.

(4)(a) Except as provided in paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084.

Section 80. Paragraph (i) of subsection (4) of section 934.50, Florida Statutes, is amended, and a new paragraph (q) is added to that subsection, to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

~~(i) By a person or an entity engaged in a business or~~

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~~profession licensed by the state, or by an agent, employee, or contractor thereof, if the drone is used only to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.~~

(q) By a local governmental entity, or a person under contract with or acting under the direction of such entity, for the purpose of managing and eradicating plant or animal diseases or activities consistent with chapters 369, 388, and 487.

Section 81. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animal or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities are considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 82. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a

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reference thereto, paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 83. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the

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department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the

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Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 84. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 85. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and

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the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 86. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 87. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

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Section 88. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in references thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization’s fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

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(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 89. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed $250,000.

Section 90. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s.

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500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 91. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 92. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

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Committee on Community Affairs

CS/CS/CS/SB 784 — Platting

by Rules Committee; Judiciary Committee; Community Affairs Committee; and Senator Ingoglia

The bill requires local governments to review, process, and approve plats or replat submittals without action or approval by the governing body through an administrative authority and official designated by ordinance. The administrative authority must be a department, division, or other agency of the local government, and include an administrative officer or employee.

Under the bill, the authority must provide written notice in response to a submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes.

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.
Vote: Senate 36-0; House 115-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

An act relating to platting; amending s. 177.071, F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or

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replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4) ~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this

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part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

(5)~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The

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circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

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Committee on Regulated Industries

CS/CS/HB 913 — Condominium and Cooperative Associations

by Commerce Committee; Housing, Agriculture & Tourism Subcommittee; and Rep. Lopez, V. and others (CS/CS/CS/SB 1742 by Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senators Bradley and Pizzo)

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

Community Association Managers

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

- Revises the conflict-of-interest disclosure requirements for CAMs and CAM firms, including exempting conflicts of interest that are disclosed in the management contract from current law requirements;
- Prohibits persons who have had their CAM license revoked from having an indirect or direct ownership interest in a CAM firm, or being an employee, partner, officer, director, or trustee of a CAM firm for 10 years and may not reapply for a license for 10 years;
- Requires CAMs to maintain and update an online account with the Department of Business and Professional Regulation (department) specifying any services he or she is providing for a condominium, cooperative, or homeowners' association; and
- Requires the Division of Condominiums, Timeshares, and Mobile Homes (division) to give written notice to the CAM firm and to the community association when a CAM's license is suspended or revoked.

Milestone Inspections

Regarding milestone inspections of the structural integrity of condominium and cooperative buildings, the bill:

- Revises the requirements for milestone inspections to apply to condominium and cooperative buildings that are three "habitable" stories or more in height instead of three or more stories under current law;
- Requires local enforcement agencies report to the department, by October 1, 2025, specified information regarding the inspections, including the number of buildings inspected, and a list of buildings that have been deemed unsafe or uninhabitable;
- Requires the Office of Program Policy and Government Accountability to compile milestone inspection data and to submit a report to the Legislature; and
- Requires the boards of county commissioners to adopt an ordinance requiring associations and any other owners that are subject to milestone inspection requirements to commence repairs within 365 days after a phase two inspection is received.

Conflicts of Interest – Milestone and Structural Integrity Reserve Studies

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The bill requires design professionals, e.g., architects and engineers, and licensed contractors who bid on structural integrity reserve studies (SIRS) and milestone inspections, to disclose in writing if they intend to bid on maintenance, repair, or replacement work related to the SIRS. A person who conducts or performs a SIRS or milestone inspection or provides recommended services may not have a direct or indirect interest in the firm conducting the study or be related to someone with such an interest unless disclosed to the association in writing. Failure to disclose makes the contract voidable and may result in professional discipline.

Insurance

The bill requires every condominium association to provide adequate property insurance, and:

- That the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured which must be determined at least once every three years.
- Clarifies the association's obligation to provide adequate insurance coverage for at least three or more community associations may be satisfied by obtaining and maintaining insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

Annual Financial Statements

The bill revises the annual financial statement requirements for condominiums by:

- Increasing from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Allowing the association, as an alternative to delivering the annual financial statement, to provide a notice that the financial report will be mailed, hand delivered, or provided electronically via the Internet as requested by the unit owner;
- Requiring that an officer or director of the association sign an affidavit evidencing compliance with the requirements for delivery of the annual financial statement; and
- Requiring the approval of a majority of all of the voting interests to reduce the type of financial reporting.

Official Records

The bill requires condominium associations to keep as official records all:

- Bank statements and ledgers as official records;
- Recordings of meetings held by video conference;
- Affidavits required by ch. 718, F.S., including on the association's website; and
- Approved minutes of the board over the preceding 12 months on the association's website.

Associations must update the association's website within 30 days of any change.

Condominium Association Meetings

The bill allows condominium associations to conduct meetings by video conferencing, including board meetings, budget meetings, and unit member meetings, and:

- Allows board members who appear by video conference to vote, but their presence may not count towards a quorum;
- Requires meetings conducted by video conference to be recorded and kept as official records;
- Requires that the notice for a video conference meeting include a hyperlink and the address for the physical location of the meeting;
- Requires meetings to be held within 15 miles of the condominium property or within the same county; and
- Requires the division to adopt rules for the conduct of meetings by video conference.

Annual Budget Requirements

Relating to the budget requirements for condominium associations, the bill:

- Requires associations to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year;
- Requires that the substitute budget be presented to the unit owners for approval before a budget can be adopted; and
- Revises the expenses that associations can exclude when determining whether assessments exceed 115 percent of the assessments of the preceding year by:
  - Removing "assessments for the betterment of the community;" and
  - Limiting the exclusion of anticipated expenses to expenses related to the SIRS inspection.

Reserves

Relating to the maintenance of reserves by condominium and cooperative associations, the bill:

- Allows all multicondominiums to use the "alternative funding method;"
- Increases the monetary threshold for reserve items from $10,000 to $25,000, with annual inflation increases;
- Provides for investment of reserve funds in certificates of deposit or deposits in banks and credit unions without a vote of the unit owners;
- Allows a unit-owner-controlled association that is required to have a SIRS to fund reserves by a special assessment, a line of credit, or loan, with the approval of a majority of the voting interests of the association;
- Allows condominium boards to pause reserve funding without unit owner approval when the condominium building is declared uninhabitable by the local building official;
- Allows unit-owner-controlled associations, for a budget adopted on or before December 31, 2028, that have completed the milestone inspection in the previous two years to

temporarily pause or reduce reserve contributions for no more than 2 consecutive annual budgets, upon a vote of a majority of the total voting interests, in order to fund needed repairs recommended by the milestone inspection. If an association pauses or reduces reserve funding, it must perform a SIRS before continuing reserve contribution in order to determine the association's reserve funding needs and to recommend a reserve funding plan; and

- Allows for funding of SIRS reserves by the pooling accounting method and allows boards to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Structural Integrity Reserve Studies

Relating to condominium and cooperative associations, the bill:

- Revises the requirements for SIRS to apply the requirement to buildings that are three "habitable" stories or more in height;
- Extends the deadline by which associations must complete a required SIRS from December 31, 2024, to December 31, 2025;
- Requires that the SIRS, include a reserve "baseline" funding plan that ensures the reserve cash balance stays above zero;
- Requires that the SIRS must differentiate between mandatory reserve items and other reserve items;
- Allows associations that have completed the required milestone inspection to delay the SIRS for the two consecutive budget years following a milestone inspection in order to prioritize funding for repairs and maintenance required the milestone inspection;
- Exempts four-family dwellings with three or fewer habitable stories above ground from the SIRS requirements;
- Requires officers and directors of associations to sign an affidavit acknowledging receipt of a completed SIRS; and
- Requires the division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Electronic Voting

The bill revises electronic voting requirements for condominiums, including requiring the board to adopt a resolution allowing electronic voting if at least 25 percent of the voting interests petition the board to adopt a resolution for electronic voting.

Presale Disclosure

The bill extends the 3-day recission period for condominium sales by nondeveloper unit owners to 7 days.

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

The bill revises the provision in section 31 of Chapter 2024-244, Laws of Florida (CS/CS/CS/HB 1021), to provide that provisions related to condominiums within a portion of a building or within a multiple parcel do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2025.

The bill also provides that a condominium association created within a portion of a building may inspect and copy the books and records of the owner of the non-condominium portion of the building and that the condominium association must receive a financial report with respect to such costs.

Jurisdiction of the Division of Condominiums, Timeshares, and Mobile Homes

The bill expands the condominium jurisdiction of the division to include:

- Completion of milestone inspections;
- Requirements to maintain insurance and fidelity bonding for persons who disperse funds;
- Board member education requirements; and
- Reporting requirements for SIRS.

Reporting Requirement for Condominiums and Cooperatives

The bill requires condominium and cooperative associations to create an online account with the division and provide specified information by October 1, 2025, and only once per year thereafter, except that contact information must be updated within 30 days of a change. The division must provide associations at least 45 days to submit the information after the account is established. The information associations may be required to submit includes:

- Contact information for the association, its members of the board, and its CAM; and
- The number of units, age of buildings, and assessments, including the purpose for the assessments.

Law Enforcement

Redefines the term "official investigation" to include official investigations by the division relating to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Additional Condominium Provisions

The bill also:

- Expands the emergency powers of condominium and cooperative associations to require the evacuation of the property in the event of any evacuation order, instead of a mandatory evacuation order;
- Revises requirements related to maintenance and hurricane protection; and
- Revises requirements for nonresidential condominiums, including to the unit, appurtenances, or share of the common expenses.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025, except where otherwise provided.
Vote: Senate 37-0; House 112-0

An act relating to condominium and cooperative associations; amending s. 468.432, F.S.; prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or being an employee, a partner, an officer, a director, or a trustee of, a community association management firm for a specified timeframe; requiring a licensee to create and maintain an online licensure account with the Department of Business and Professional Regulation; requiring a community association manager to identify on his or her online licensure account certain information; requiring a licensee to provide specific information on his or her online licensure account; requiring that such information be updated within a specified timeframe; requiring a community association management firm to identify on its online licensure account the community association managers it employs to provide community association management services; requiring the department to give written notice to the community association management firm and the community association if the community association manager has his or her license suspended or revoked; amending s. 468.4334, F.S.; prohibiting a community association

manager or a community association management firm from knowingly performing any act directed by the community association if such act violates any state or federal law; revising the contractual obligations a community association manager or a community association management firm has with the association board; requiring that a contract include a certain statement, if applicable to the type of management services provided in the contract; providing that such contracts may not waive or limit certain professional practice standards; requiring a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or an application; conforming provisions to changes made by the act; amending s. 468.4335, F.S.; revising what constitutes a rebuttable presumption of a conflict of interest with a community association manager or a community association management firm; defining the term "compensation"; requiring an association to solicit multiple bids from other third-party providers if a bid that exceeds a specified amount is or may reasonably be construed to be a conflict of interest; providing applicability; deleting a requirement that all contracts and transactional documents related to a

proposed activity that is a conflict of interest be attached to the meeting agenda of the next board of administration meeting; requiring that the notice for the board meeting at which certain activity will be considered include certain information about a proposed activity that is a conflict of interest; deleting a requirement that the proposed activity be disclosed at the next regular or special meeting of the members; providing that a contract is voidable if certain findings are made; providing specifications for terminating a contract; making technical changes; amending s. 553.899, F.S.; revising the criteria for buildings that require a milestone inspection; requiring, rather than authorizing, the board of county commissioners or a municipal governing body to adopt a specified ordinance; requiring specified professionals who bid to perform a milestone inspection to disclose to the association in writing their intent to bid on services related to any maintenance, repair, or replacement that may be recommended by the milestone inspection; prohibiting such professionals from having any interest in or being related to any person having any interest in the firm or entity providing the association's milestone inspection unless such relationship is disclosed in

writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such contract if such professionals fail to provide a written disclosure of such relationship; providing that such professionals may be subject to discipline for failure to provide such written disclosure; requiring the local enforcement agency responsible for milestone inspections to provide to the department specified information in an electronic format by a specified date; requiring the department to provide to the Office of Program Policy Analysis and Government Accountability (OPPAGA) all information obtained from the local enforcement agencies by a specified date; authorizing OPPAGA to request from the local enforcement agency any additional information necessary to compile and provide a report to the Legislature; amending s. 718.103, F.S.; revising the definition of the term "alternative funding method"; defining the term "video conference"; amending s. 718.110, F.S.; providing that the declaration of a nonresidential condominium may be amended to change certain provisions if all affected record owners join in the execution of such amendment; providing that the approval of nonaffected record owners is not required;

requiring that certain documents be served at a unit owner's address as reflected in the association's official records; amending s. 718.111, F.S.; requiring a community association manager or a community association management firm that contracts with a community association to possess specified licenses; providing that all board members or officers of a community association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract; authorizing a community association to terminate a contract with a community association manager or a community association management firm if the manager's or management firm's license is suspended or revoked during the term of the contract; requiring every condominium association to have adequate property insurance; deleting specified required coverage; providing that the amount of adequate insurance coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or previous appraisal; requiring that such replacement cost be determined according to a specified timeframe;

providing that an association's obligation to obtain and provide adequate property insurance may be satisfied by obtaining and maintaining insurance coverage sufficient to cover a specified amount; revising which items constitute the official records of the association; requiring that certain documents be posted on certain associations' websites or made available for download through an application on a mobile device within a specified timeframe; revising which documents must be posted in digital format on the association's website or application; revising the timeframe in which the association must deliver a copy of the most recent financial report or a notice that a copy of the most recent financial report will be distributed; revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; requiring that an officer or a director execute an affidavit as evidence of compliance with the delivery requirement; revising how financial reports are prepared; requiring an association board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association, including a multicondominium association, to invest

reserve funds in specified financial institutions without a vote of the unit owners; amending s. 718.112, F.S.; authorizing an association board meeting to be conducted in person or by video conference; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules; requiring that notice for board meetings conducted via video conference contain specific information; requiring that such meetings be recorded and maintained as an official record of the association; revising the distance from the condominium property within which a unit owner meeting must be held; authorizing a unit owner to vote electronically if the unit owner meeting is conducted via video conference; authorizing unit owner meetings to be conducted in person or via video conference; specifying what constitutes a quorum for meetings held via video conference; requiring that, if the bylaws are silent as to the location, the location of the meeting be provided in the association bylaws or within a specified distance from, or within the same county of, the condominium property; requiring that meetings held via video conference be recorded and be maintained as an official record of the association; requiring the division to adopt rules; revising the

methods of serving notice of unit owner meetings; authorizing budget meetings to be conducted via video conference; requiring the division to adopt rules; requiring that a sound transmitting device be used at such meetings for a specified purpose; revising a provision requiring that a board proposing a budget that requires a certain special assessment against unit owners simultaneously propose a substitute budget that meets certain requirements, rather than conduct a special meeting of the unit owners to consider a substitute budget after the adoption of the annual budget; requiring unit owners, rather than authorizing them, to consider a substitute budget; providing that the annual budget initially proposed by the board be adopted under certain circumstances; revising the criteria used in determining whether assessments exceed the specified percentage of assessments of the previous fiscal year; revising the threshold for deferred maintenance expenses or replacements in reserve accounts; authorizing the members to vote to waive the maintenance of reserves recommended in the most recent structural integrity reserve study under certain circumstances; deleting a requirement that the division approve the funding method; providing that specified reserves may be funded by regular

assessments, special assessments, lines of credit, or loans under certain circumstances; requiring that any special assessment, line of credit, or loan be approved by a majority of the total voting interests of the association; authorizing a unit-owner-controlled association that is required to have a structural reserve study to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that any special assessment, line of credit, or loan be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount and the most recent structural integrity reserve study; requiring that funding from the line of credit or loan be immediately available for access by the board for a specified purpose without further approval by association members; requiring that such special assessments, lines of credit, or loans be included in the association's financial report; providing applicability; deleting a requirement that the majority of the members must approve of the board pausing contributions to the association's reserves for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce

the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe and such inspection recommended certain repairs; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that an association's reserve accounts may be pooled for a specified number of required components; requiring that reserve funding for certain components be pooled within those components; requiring that reserve funding in the proposed annual budget be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent structural integrity reserve study; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring the division to annually adjust for inflation the minimum threshold amount for

required reserves, based on specified criteria; requiring the division, by a specified date and annually thereafter, to conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves; revising the items to be included in a structural integrity reserve study; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be

subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; providing that the study may recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligations; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring that the structural integrity reserve study take into consideration the funding method or methods used by the association to fund maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans; requiring that a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan be updated to reflect certain information regarding the reserve funding schedule; providing that a structural integrity reserve study may be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule;

requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study; revising applicability; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or director of an association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt rules for the form for the structural integrity reserve study in coordination with the Florida Building Commission; making technical changes; amending s. 718.113, F.S.; requiring the board to determine whose responsibility it is to pay for removal or reinstallation of hurricane protection under certain circumstances; deleting authorization for an association to enforce and collect certain charges as assessments; amending s. 718.1265, F.S.; revising the emergency powers of a condominium association; amending s. 718.128, F.S.; deleting a

requirement for written notice of certain meetings; requiring, after a specified percentage of voting interests adopts a resolution, a board to hold a meeting within a certain timeframe to adopt such resolution; requiring that a petition to adopt a resolution be submitted to the board within a certain timeframe; requiring an association to designate an e-mail address for receipt of electronically transmitted ballots; requiring that electronically transmitted ballots meet specified requirements; authorizing a unit owner to electronically transmit a ballot without complying with certain provisions; requiring an association to count completed such electronically submitted ballots if such ballots comply with specified requirements; providing requirements for electronically transmitted ballots; providing a rebuttable presumption; amending s. 718.203, F.S.; providing that all condominiums, not just residential, can be covered by an insured warranty program; amending s. 718.301, F.S.; providing that certain provisions of law relating to transfer of control of an association do not apply to certain residential condominiums beginning on a specified date; amending s. 718.302, F.S.; providing that certain agreements may be cancelled by unit owners if the unit owners own

a specified percentage of voting interests in certain condominiums; amending s. 718.407, F.S.; requiring that a specified report be provided to an association within a certain timeframe after the end of the fiscal year; requiring that copies of receipts and invoices be included with the report; authorizing the division to impose penalties under certain circumstances; authorizing an association to challenge the apportionment of certain costs of the shared facilities within a certain timeframe; providing construction; amending s. 718.501, F.S.; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints; requiring condominium associations to create and maintain an online account with the division on or before a specified date; requiring condominium associations to provide requested information to the division; requiring the division to adopt rules; authorizing the division to require condominium associations to provide such information no more than once a year; requiring that certain information be updated within a specified timeframe; requiring the division to provide a condominium association a specified notice of any requirement to provide information after the condominium association

creates an online account; specifying the information the division may require from a condominium association; amending s. 718.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; amending s. 8 of chapter 2024-244, Laws of Florida, as amended; requiring that specified documents be made available on an association's website or made available for download through an application on a mobile device within a specified timeframe; revising the documents required to be posted in digital format on an association's website or application; amending s. 31 of chapter 2024-244, Laws of Florida; revising retroactivity and applicability; amending s. 719.104, F.S.; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the cooperative association; authorizing an association to invest reserve funds in specified financial institutions without a vote of the unit owners; amending s. 719.106, F.S.; revising the deferred maintenance expense or replacement costs threshold that must be included in reserve accounts; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the

entire cooperative building is uninhabitable due to a natural emergency; authorizing any reserve account funds held by the association to be expended to make the cooperative building and its structures habitable, pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves upon determination by the local building official that the cooperative building is habitable; providing that certain reserves may be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; requiring that a special assessment, a line of credit, or a loan requires the approval of a majority vote of the total voting interests of an association; authorizing a unit-owner-controlled association to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount and most recent structural integrity reserve study; requiring that funding from such line of credit or loan be immediately available for access by the board for a specified purpose without further approval by

the members of the association; requiring that any special assessment, line of credit, or loan be included in the annual financial statement to be delivered to unit owners and provided to prospective unit purchasers; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced reserve funding contributions to have a structural integrity reserve study performed for specified purposes before the continuation of reserve contributions; providing that an association's reserve accounts may be pooled for a specified number of required components; requiring that reserve funding for certain components be pooled within those components; requiring that reserve funding in the proposed annual budget be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent

structural integrity reserve study; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring the division to annually adjust for inflation the minimum threshold amount for required reserves based on specified criteria; requiring the division, by a specified date and annually thereafter, to conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves; revising the criteria for buildings that require a structural integrity reserve study; revising the items required to be included in a structural integrity reserve study; requiring specified design professionals or contractors, rather than any person qualified to perform a structural integrity reserve study, to perform structural integrity reserve studies; requiring such design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest

in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; providing that the study may recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligation; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring that the structural integrity reserve study take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments,

lines of credit, or loans; requiring that a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan be updated to reflect certain information regarding the reserve funding schedule; providing that a structural integrity reserve study may be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule; requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study; revising applicability; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or a director of the association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt by rule the form for the structural

integrity reserve study in coordination with the Florida Building Commission; amending s. 719.128, F.S.; revising the emergency powers of a cooperative association; amending s. 719.501, F.S.; requiring a cooperative association to create and maintain an online account with the division; requiring the division to adopt rules; authorizing the division to require cooperative associations to provide information to the division no more than once per year; providing an exception; requiring the division to provide associations a specified timeframe to provide any required information; specifying the information the division may request; amending s. 719.503, F.S.; revising the disclosures required to be included in a contract for the sale and resale of an interest in a cooperative; amending s. 914.21, F.S.; revising the definition of the term "official investigation"; reenacting s. 468.436(2)(b), F.S., relating to disciplinary proceedings, to incorporate the amendment made to s. 468.4335, F.S., in a reference thereto; reenacting ss. 718.106(2)(b), 718.117(4), 718.403(1)(d), and 718.405(4), F.S., relating to condominium appurtenances, termination of condominium, phase condominiums, and multicondominiums, respectively, to incorporate the

amendment made to s. 718.110, F.S., in references thereto; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c) and 718.618(1)(d), F.S., relating to prospectus or offering circulars and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.115(1)(e), F.S., relating to common expenses and common surpluses, to incorporate the amendment made in s. 718.113, F.S., in a reference thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S., in references thereto; reenacting s. 718.705(2), F.S., relating to the transfer of control of the board of administration, to incorporate the amendment made to s. 718.301, F.S., in a reference thereto; reenacting ss. 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing effective dates.

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

Section 1. Paragraph (h) is added to subsection (2) of section 468.432, Florida Statutes, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other similar organization responsible for the management of more than 10 units or a budget of $100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

(h) A person who has had his or her community association manager license revoked may not have an indirect or direct ownership interest in, or be an employee, a partner, an officer, a director, or a trustee of, a community association management firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration under this part for a period of 10 years after the effective date of a revocation.

(3) A licensee must create and maintain an online

licensure account with the department. Each community association manager must identify on his or her online licensure account the community association management firm for which he or she provides management services and identify each community association for which he or she is the designated onsite community association manager. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. A community association management firm must identify on its online licensure account the community association managers that it employs to provide community association management services. If a community association manager has his or her license suspended or revoked, the department must give written notice of such suspension or revocation to the community association management firm and the community association for which the manager performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334, Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this

chapter. A community association manager or a community association management firm may not knowingly perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

(c) Each contract between a community association and a community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community ~~homeowners'~~ association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the community ~~homeowners'~~ association annually.

(b) Provide to the members of the community ~~homeowners'~~ association the name and contact information for each community association manager or representative of a community association management firm assigned to the community ~~homeowners'~~ association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The community ~~homeowners'~~ association shall also post this information on the association's website or mobile application, if the association is required to maintain official records on a website or

application ~~required under s. 720.303(4)(b)~~. The community association manager or community association management firm shall update the community ~~homeowners'~~ association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the community ~~homeowners'~~ association and include such contract with association's official records.

Section 3. Section 468.4335, Florida Statutes, is amended to read:

468.4335 Conflicts of interest.—

(1) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, must disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest. A rebuttable presumption of a conflict of interest exists if any of the following occurs without prior notice:

(a) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, proposes to

enter into a contract or other transaction with the association, or enters into a contract for goods or services with the association, for services other than community association management services.

(b) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, holds an interest in or receives compensation ~~or any thing of value~~ from a person as defined in s. 1.01(3) which ~~corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that~~ conducts business with the association or proposes to enter into a contract or other transaction with the association. As used in this paragraph, the term "compensation" means any referral fee or other monetary benefit derived from a person as defined in s. 1.01(3) which provides products or services to the association, and any ownership interests or profit-sharing arrangements with product or service providers recommended to or used by the association.

(2) If the association receives and considers a bid that exceeds $2,500 to provide a good or service~~,~~ other than community association management services which is or may reasonably be construed to be a conflict of interest under subsection (1), ~~from a community association manager or a~~

~~community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons,~~ the association must solicit multiple bids from other third-party providers of such goods or services. This subsection does not apply to any activities or the provision of goods or services that are disclosed in the management services contract as a conflict of interest within the meaning of subsection (1).

(3) If a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, proposes to engage in an activity that is a conflict of interest as described in subsection (1), the proposed activity must be listed on~~, and all contracts and transactional documents related to the proposed activity must be attached to,~~ the meeting agenda of the next board of administration meeting. The notice for the meeting at which the proposed activity will be considered by the board must include a description of the proposed activity, disclose the possible conflict of interest, and include a copy of all contracts and transactional documents related to the proposed activity. The disclosures of a possible conflict of interest must be entered into the written minutes of the meeting. Approval of the contract, including a management contract between the community association and the community

association manager or community association management firm, or other transaction requires an affirmative vote of two-thirds of all directors present. ~~At the next regular or special meeting of the members, the existence of the conflict of interest and the contract or other transaction must be disclosed to the members.~~ If a community association manager or community association management firm has previously disclosed a conflict of interest in an existing management contract entered into between the board of directors and the community association manager or community association management firm, the conflict of interest does not need to be additionally noticed and voted on during the term of such management contract, but, upon renewal, must be noticed and voted on in accordance with this subsection.

(4) If the board finds that a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, has violated this section, the contract is voidable and the association may terminate ~~cancel~~ its community association management contract with the community association manager or the community association management firm by delivery of a written notice terminating the contract. If the contract is terminated ~~canceled~~, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fees,

liquidated damages, or other form of penalty for such cancellation.

(5) ~~If an association enters into a contract with a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, which is a party to or has an interest in an activity that is a possible conflict of interest as described in subsection (1) and such activity has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section, the contract is voidable and terminates upon the association filing a written notice terminating the contract with its board of directors which contains the consent of at least 20 percent of the voting interests of the association.~~

~~(6)~~ As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage.

Section 4. Present subsections (12) and (13) of section 553.899, Florida Statutes, are redesignated as subsections (14) and (15), respectively, new subsections (12) and (13) are added to that section, and paragraph (a) of subsection (3) and subsection (11) of that section are amended, to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(3)(a) An owner or owners of a building that is three habitable stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(11) A board of county commissioners or municipal governing body shall ~~may~~ adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase

two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) A licensed architect or engineer who bids to perform a milestone inspection must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement which may be recommended by the milestone inspection. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the milestone inspection may not have an interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide

the written disclosure of the relationship required under this subsection. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship, as required under this subsection.

(13)(a) On or before December 31 2025, and on or before each December 31 thereafter, the local enforcement agency responsible for milestone inspections shall provide the department, in an electronic format determined by the department, information that must include, but is not limited to:

1. The number of buildings required to have a milestone inspection within the agency's jurisdiction.

2. The number of buildings for which a phase one milestone inspection has been completed.

3. The number of buildings granted an extension under paragraph (3)(c).

4. The number of buildings required to have a phase two milestone inspection.

5. The number of buildings for which a phase two milestone inspection has been completed.

6. The number, type, and value of permit applications received to complete repairs required by a phase two milestone inspection.

7. A list of buildings deemed to be unsafe or

uninhabitable as determined by a milestone inspection.

8. The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

(b) The department shall provide to the Office of Program Policy Analysis and Government Accountability (OPPAGA) all information obtained from the local enforcement agencies under paragraph (a) by the date specified and in a manner prescribed by OPPAGA. OPPAGA may request from a local enforcement agency any additional information necessary to compile the information and provide a report to the President of the Senate and the Speaker of the House of Representatives.

Section 5. Present subsections (33) and (34) of section 718.103, Florida Statutes, are redesignated as subsections (34) and (35), respectively, a new subsection (33) is added to that section, and subsection (1) of that section is amended, to read:

718.103 Definitions.—As used in this chapter, the term:

(1) "Alternative funding method" means a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association ~~operating at least 25 condominiums~~ which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget.

(33) "Video conference" means a real-time audio and video-

based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference must be recorded, and such recording must be maintained as an official record of the association.

Section 6. Subsections (4) and (10) of section 718.110, Florida Statutes, are amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4)(a) Subject to paragraph (b), unless otherwise provided in the declaration as originally recorded, an ~~no~~ amendment may not change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association and material alterations or substantial additions to such property or the

common elements by the association in accordance with s. 718.111(7) or s. 718.113, and amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b) may not be considered ~~shall not be deemed to constitute~~ a material alteration or modification of the appurtenances to the units. Except as provided in paragraph (b), a declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

(b) Notwithstanding subsection (14), the declaration of a nonresidential condominium formed on or after July 1, 2025, may be amended to change the configuration or size of a unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium, if the record owners of all affected units and all record owners of liens on the affected units join in the execution of the amendment. The approval of the record owners of the nonaffected units in such condominium is not required.

(10) If there is an omission or error in a declaration of condominium, or any other document required to establish the condominium, and the omission or error would affect the valid existence of the condominium, the circuit court may entertain a

petition of one or more of the unit owners in the condominium, or of the association, to correct the error or omission, and the action may be a class action. The court may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. All unit owners, the association, and the mortgagees of a first mortgage of record must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and final decree of the court by certified mail, return receipt requested, at the unit owner's ~~last known residence~~ address as reflected in the association's official records. If an action to determine whether the declaration or another condominium document complies with the mandatory requirements for the formation of a condominium is not brought within 3 years of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, the declaration and other documents will effectively create a condominium, as of the date the declaration was recorded, regardless of whether the documents substantially comply with the mandatory requirements of law. However, both before and after the expiration of this 3-

year period, the circuit court has jurisdiction to entertain a petition permitted under this subsection for the correction of the documentation, and other methods of amendment may be utilized to correct the errors or omissions at any time.

Section 7. Paragraph (a) of subsection (11), paragraphs (a), (c), and (g) of subsection (12), and subsection (13) of section 718.111, Florida Statutes, are amended, paragraphs (g), (h), and (i) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

(h) If a contract is between a community association manager and the association, and the community association manager has his or her license suspended or revoked during the

term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association manager whose license has been revoked or suspended, effective on the date the community association manager became unlicensed.

(i) If a community association management firm has its license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association management firm whose license has been revoked or suspended, effective on the date the community association management firm became unlicensed.

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of this state ~~of the State of Florida~~ and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in this ~~the~~ state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

(a) Every condominium association shall have adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association ~~for full insurable value, replacement cost, or similar coverage, must be based on~~

~~the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal~~. ~~The replacement cost must be determined at least once every 36 months.~~

1. An association or group of associations may provide adequate property insurance as determined under this paragraph through a self-insurance fund that complies with the requirements of ss. 624.460-624.488.

2. The amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or an update of a previous appraisal. The replacement cost must be determined at least once every 3 years, at minimum.

3. The association's obligation to obtain and ~~association may also~~ provide adequate property insurance coverage for a group of at least three communities created and operating under this chapter, chapter 719, chapter 720, or chapter 721 may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

a. Such probable maximum loss must be determined through the use of a competent model that has been accepted by the Florida Commission on Hurricane Loss Projection Methodology.

b. A policy or program providing such coverage may not be issued or renewed after July 1, 2008, unless it has been reviewed and approved by the Office of Insurance Regulation. The review and approval must include approval of the policy and related forms pursuant to ss. 627.410 and 627.411, approval of the rates pursuant to s. 627.062, a determination that the loss model approved by the commission was accurately and appropriately applied to the insured structures to determine the 250-year probable maximum loss, and a determination that complete and accurate disclosure of all material provisions is provided to condominium unit owners before execution of the agreement by a condominium association.

4.~~3.~~ When determining the adequate amount of property insurance coverage, the association may consider deductibles as determined by this subsection.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A copy ~~photocopy~~ of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A copy ~~photocopy~~ of the recorded bylaws of the

association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by video conference. If there are approved minutes for a meeting held by video conference, recordings of meetings that are conducted by video conference must be maintained for at least 1 year after the date the video recording is posted as required under paragraph (g).

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request

to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing

harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners,

which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. A copy of all affidavits required by this chapter.

21.~~20.~~ All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(c)1.a. The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such

member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member and of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile

device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

b. In response to a written request to inspect records, the association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying. The checklist must also identify any of the association's official records that were not made available to the requestor. An association must maintain a checklist provided under this sub-subparagraph for 7 years. An association delivering a checklist pursuant to this sub-subparagraph creates a rebuttable presumption that the association has complied with this paragraph.

2. A director or member of the board or association or a community association manager who willfully and knowingly or intentionally ~~knowingly, willfully, and repeatedly~~ violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must be removed from office and a vacancy declared. ~~For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.~~

3. A ~~Any~~ person who willfully and knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who

willfully and knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; is personally subject to a civil penalty pursuant to s. 718.501(1)(d); and must be removed from office and a vacancy declared.

4. A person who willfully and knowingly or intentionally refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

5. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and the most recent annual financial statement and annual budget ~~year-end financial information~~ required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those

requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll,

health, and insurance records. For purposes of this sub-subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is

voluntarily provided by an owner and not requested by the association.

f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

h. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a

third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or

other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

g.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

h.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

i.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

j.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

k.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

l.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

m.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

n.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

o.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

p.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

q.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 180 ~~120~~ days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report, or ~~and~~ a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, ~~or~~ hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual

amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt

classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority vote of all the voting interests ~~present at a properly called meeting~~ of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control

of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested

funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union without a vote of the unit owners.

Section 8. Paragraphs (b) through (g) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(b) *Quorum; voting requirements; proxies.*—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting

interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after

the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in person or by video conference. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

(c) *Board of administration meetings.*—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of

administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via video conference, the notice must state that such meeting will be via video conference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via video conference, it must be recorded and such recording must be maintained as an official record of the association. If 20

percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. If there is no condominium property at which notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for

conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must

specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) *Unit owner meetings.*—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 ~~45~~ miles of the condominium property or within the same county as the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium. If a unit owner meeting is conducted via video conference, a unit owner may vote electronically in the manner provided in s. 718.128.

2. Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via video conference. If the annual meeting of the unit owners is conducted via video conference, a quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting. The location must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. If the unit owner meeting is conducted via video conference, the video conference must be recorded and such recording must be maintained as an official record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

3.~~2.~~ Unless the bylaws provide otherwise, a vacancy on the

board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide

otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium,

bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

4.~~3.~~ The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not

specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. ~~In lieu of, or in~~ In addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section.~~ If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the

minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

5.~~4.~~ The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or

transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association

that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be

resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration

of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

6.~~5.~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

7.~~6.~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (l); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely

responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

8.~~7.~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

9.~~8.~~ A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

10.~~9.~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) and rules adopted by the division.

11.~~10.~~ This chapter does not limit the use of general or

limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) *Budget meeting.*—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by video conference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days

before ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must be proposed at the budget meeting before the ~~conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after~~ adoption of the annual budget. At least 14 days before such budget meeting in which a substitute budget will be proposed ~~prior to such special meeting~~, the board shall hand deliver to each unit owner, or mail to each unit

owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for required ~~reasonable~~ reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums~~, or assessments for betterments to the condominium property~~.

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement

resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph 6., whichever is greater ~~$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The

association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division.

c.(I) Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans. A special assessment, a line of credit, or a loan under this sub-subparagraph requires the approval of a majority vote of the total voting interests of the association.

(II) A unit-owner-controlled association that must have a structural integrity reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve

study. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A special assessment, a line of credit, or a loan secured under this sub-subparagraph and related details must be included in the annual financial statement that is required under s. 718.111(13) to be delivered to unit owners and required under s. 718.503 to be provided to prospective purchasers of a unit.

(III) This sub-subparagraph does not apply to associations controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703.

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~, upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines

that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than two consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to an association controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

f.~~b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g).

4. An association's reserve accounts may be pooled for two or more required components. Reserve funding for components listed in paragraph (g) may only be pooled with other components listed in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent structural integrity reserve study. A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

5.~~4.~~ The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot:

WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN

UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

6. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum $25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(g) Structural integrity reserve study.—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three habitable stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph (f)6., whichever is greater, ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study. However~~, including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any

design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a

recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the

structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, ~~or~~ three-family, or four-family dwellings with three or fewer habitable

stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve

study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's or a ~~and~~ director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or a director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's

notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 9. Paragraphs (d) and (e) of subsection (5) of section 718.113, Florida Statutes, are amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane protection; display of religious decorations.—

(5) To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, this subsection applies to all residential and

mixed-use condominiums in the state, regardless of when the condominium is created pursuant to the declaration of condominium. Each board of administration of a residential condominium or mixed-use condominium must adopt hurricane protection specifications for each building within each condominium operated by the association which may include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the applicable building code. The installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with this subsection is not considered a material alteration or substantial addition to the common elements or association property within the meaning of this section.

(d) Unless otherwise provided in the declaration as originally recorded, or as amended, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association if the declaration as originally recorded, or as amended, does not specify who is responsible for such costs. If such removal or reinstallation is completed by

the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

~~(c) If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is the responsibility of the unit owner and the association completes such removal or reinstallation and then charges the unit owner for such removal or reinstallation, such charges are enforceable as an assessment and may be collected in the manner provided under s. 718.116.~~

Section 10. Paragraph (h) of subsection (1) of section 718.1265, Florida Statutes, is amended to read:

718.1265 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the declaration of condominium, the articles, or the bylaws of an association, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the locale in which the condominium is located, may exercise the following powers:

(h) Require the evacuation of the condominium property in the event of an ~~a mandatory~~ evacuation order in the locale in which the condominium is located. If a ~~Should any~~ unit owner or other occupant of a condominium fails or refuses ~~fail or refuse~~ to evacuate the condominium property or association property for which ~~where~~ the board has required evacuation, the association is ~~shall be~~ immune from liability or injury to persons or property arising from such failure or refusal.

Section 11. Present subsection (6) of section 718.128, Florida Statutes, is redesignated as subsection (8), a new subsection (6) and subsection (7) are added to that section, and subsection (4) of that section is amended, to read:

718.128 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable

procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. ~~Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.~~

(6) If at least 25 percent of the voting interests of a condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The board must receive the petition within 180 days after the date of the last scheduled annual meeting.

(7)(a) Unless the association has adopted electronic voting in accordance with subsections (1)-(6), the association must designate an e-mail address for receipt of electronically transmitted ballots. Electronically transmitted ballots must meet all the requirements of this subsection.

(b) A unit owner may electronically transmit a ballot to the e-mail address designated by the association without

complying with s. 718.112(2)(d)4. or the rules providing for the secrecy of ballots adopted by the division. The association must count completed ballots that are electronically transmitted to the designated e-mail address, provided the completed ballots comply with the requirements of this subsection.

(c) A ballot that is electronically transmitted to the association must include all of the following:

1. A space for the unit owner to type in his or her unit number.

2. A space for the unit owner to type in his or her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot.

3. The following statement in capitalized letters and in a font size larger than any other font size used in the e-mail from the association to the unit owner:

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON.

(d) A unit owner must transmit his or her completed ballot to the e-mail address designated by the association no later than the scheduled date and time of the meeting during which the matter is being voted on.

(e) There is a rebuttable presumption that an association has reviewed all folders associated with the e-mail address designated by the association to receive ballots if a board member, an officer, or an agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such review.

Section 12. Subsection (7) of section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

(7) ~~Residential~~ Condominiums may be covered by an insured warranty program underwritten by a licensed insurance company registered in this state, provided that such warranty program meets the minimum requirements of this chapter; to the degree that such warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

Section 13. Subsection (1) of section 718.301, Florida Statutes, is amended to read:

718.301 Transfer of association control; claims of defect by association.—

(1) If unit owners other than the developer own 15 percent

or more of the units in a condominium that will be operated ultimately by an association, the unit owners other than the developer are entitled to elect at least one-third of the members of the board of administration of the association. Unit owners other than the developer are entitled to elect at least a majority of the members of the board of administration of an association, upon the first to occur of any of the following events:

(a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(c) When all the units that will be operated ultimately by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;

(d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business;

(e) When the developer files a petition seeking protection in bankruptcy;

(f) When a receiver for the developer is appointed by a

circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after appointment of the receiver that transfer of control would be detrimental to the association or its members; or

(g) Seven years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first; or, in the case of an association that may ultimately operate more than one condominium, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, for the first condominium it operates; or, in the case of an association operating a phase condominium created pursuant to s. 718.403, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first.

The developer is entitled to elect at least one member of the board of administration of an association as long as the developer holds for sale in the ordinary course of business at least 5 percent, in condominiums with fewer than 500 units, and 2 percent, in condominiums with more than 500 units, of the units in a condominium operated by the association. After the developer relinquishes control of the association, the developer may exercise the right to vote any developer-owned units in the same manner as any other unit owner except for purposes of reacquiring control of the association or selecting the majority members of the board of administration. Beginning July 1, 2025, paragraphs (a), (c), (d), and (g) do not apply to nonresidential condominiums consisting of 10 or fewer units.

Section 14. Subsection (1) of section 718.302, Florida Statutes, is amended to read:

718.302 Agreements entered into by the association.—

(1) Any grant or reservation made by a declaration, lease, or other document, and any contract made by an association before ~~prior to~~ assumption of control of the association by unit owners other than the developer, that provides for operation, maintenance, or management of a condominium association or property serving the unit owners of a condominium shall be fair and reasonable, and such grant, reservation, or contract may be canceled by unit owners other than the developer:

(a) If the association operates only one condominium and

the unit owners other than the developer have assumed control of the association, or if unit owners other than the developer own at least ~~not less than~~ 75 percent of the voting interests in the condominium or own at least 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, the cancellation must ~~shall~~ be by concurrence of the owners of at least ~~not less than~~ 75 percent of the voting interests other than the voting interests owned by the developer. If a grant, reservation, or contract is so canceled and the unit owners other than the developer have not assumed control of the association, the association must ~~shall~~ make a new contract or otherwise provide for maintenance, management, or operation in lieu of the canceled obligation, at the direction of the owners of not less than a majority of the voting interests in the condominium other than the voting interests owned by the developer.

(b) If the association operates more than one condominium and the unit owners other than the developer have not assumed control of the association, and if unit owners other than the developer own at least 75 percent of the voting interests in the condominiums ~~a condominium~~ operated by the association or, beginning July 1, 2025, own at least 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, any grant, reservation, or contract for maintenance, management, or operation of buildings

containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence of the owners of at least 75 percent, or the owners of at least 90 percent if the condominium is a nonresidential condominium consisting of 10 or fewer units, of the voting interests in the condominium other than the voting interests owned by the developer. A ~~No~~ grant, reservation, or contract for maintenance, management, or operation of recreational areas or any other property serving more than one condominium, and operated by more than one association, may not be canceled except pursuant to paragraph (d).

(c) If the association operates more than one condominium and the unit owners other than the developer have assumed control of the association, the cancellation shall be by concurrence of the owners of not less than 75 percent of the total number of voting interests in all condominiums operated by the association other than the voting interests owned by the developer.

(d) If the owners of units in a condominium have the right to use property in common with owners of units in other condominiums and those condominiums are operated by more than one association, no grant, reservation, or contract for maintenance, management, or operation of the property serving more than one condominium may be canceled until unit owners other than the developer have assumed control of all of the

associations operating the condominiums that are to be served by the recreational area or other property, after which cancellation may be effected by concurrence of the owners of not less than 75 percent of the total number of voting interests in those condominiums other than voting interests owned by the developer.

Section 15. Subsection (4) of section 718.407, Florida Statutes, is amended to read:

718.407 Condominiums created within a portion of a building or within a multiple parcel building.—

(4)(a) The association of a condominium subject to this section may inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based, and must ~~to~~ receive an annual budget with respect to such costs.

(b) Within 60 days after the end of each fiscal year, the owner of a portion of a building that is not subject to the condominium form of ownership shall provide to the association a complete financial report of all costs for maintaining and operating the shared facilities. Such report must include copies of all receipts and invoices. If such owner fails to provide the report and copies of the receipts and invoices to the condominium association within the 60-day period, the division may impose penalties and otherwise enforce and ensure compliance with this subsection.

(c) Within 60 days after receipt of the complete financial report, the association may challenge any apportionment of costs for the maintenance and operation of the shared facilities. A challenge under this paragraph is governed by s. 720.311.

Section 16. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899~~. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s.

718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection under s. 553.899.

9.~~8.~~ Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s. 718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve studies under subsection (3) and under s. 718.112(2)(g)12.

(b)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a

result of an examination or inspection conducted pursuant to this chapter.

(c) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

(e) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute

enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue

an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party

defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted

under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. The division shall adopt~~,~~ by rule~~,~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium

residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner

again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least $500 but no more than $5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable

and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~,~~ by rule~~,~~ additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers,

and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or

2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number

and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all condominium associations must create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require condominium associations to provide such information no more than once per year, except that the division may require condominium associations to update the contact information in paragraph (a) within 30 days after any change. The division shall provide a condominium association at least a 45-day notice of any requirement to provide any information after the

condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

4. E-mail address and telephone number for the association.

5. Name and board title for each member of the association's board.

6. Name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) Total number of buildings and for each building in the association:

1. Total number of stories, including both habitable and uninhabitable stories.

2. Total number of units.

3. Age of each building based on the certificate of occupancy.

4. Any construction commenced within the common elements within the calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the condominium property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all~~

~~of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 17. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit

shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND

718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN

WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL

STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a

structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 18. Section 8 of chapter 2024-244, Laws of Florida, is amended to read:

Section 8. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases,

rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to

the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

g. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

h.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

i.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

j.~~h.~~ The certification of each director required by s.

718.112(2)(d)4.b.

k.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

l.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

m.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

n.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

o.~~m.~~ The inspection reports described in ss. 553.899 and

718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

p.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

q.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 19. Section 31 of chapter 2024-244, Laws of

Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. ~~However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 20. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union without a vote of the unit owners.

Section 21. Paragraphs (j) and (k) of subsection (1) of

section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(j) *Annual budget.*—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph 6., whichever amount is greater ~~$10,000~~. The amount to be reserved must be computed by means of

a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-

controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire cooperative building is uninhabitable due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the cooperative building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the cooperative building and its structures habitable. Upon the determination by the local building official that the cooperative building is habitable, the association must immediately resume contributing funds to its reserves.

3.a.(I) Reserves for the items identified in paragraph (g) may be funded by regular assessments, special assessments, lines

of credit, or loans. A special assessment, a line of credit, or a loan under this sub-subparagraph requires the approval of a majority vote of the total voting interests of the association.

(II) A unit-owner-controlled association that is required to have a structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. The lines of credit or loans must be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loans must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A special assessment, a line of credit, or a loan secured under this sub-subparagraph and related details must be included in the annual financial statement required under s. 719.104(4) to be delivered to unit owners and required under s. 718.503 to be provided to prospective purchasers of a unit.

b. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than

two consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the nondeveloper unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this sub-subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

4.~~3.~~ Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph

(k).

5. An association's reserve accounts may be pooled for two or more required components. Reserve funding for components identified in paragraph (g) may only be pooled with other components identified in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent structural integrity reserve study. A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

6. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum $25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(k) *Structural integrity reserve study.*—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three habitable stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study

of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 or the inflation-adjusted amount determined by the division under subparagraph (j)6., whichever is greater, ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study. However~~, including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under

chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his

or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend

that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in

which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, ~~or~~ three-family, or four-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity

reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a

notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 22. Paragraph (i) of subsection (1) of section 719.128, Florida Statutes, is amended to read:

719.128 Association emergency powers.—

(1) To the extent allowed by law, unless specifically

prohibited by the cooperative documents, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the area encompassed by the cooperative, may exercise the following powers:

(i) Require the evacuation of the cooperative property in the event of an ~~a mandatory~~ evacuation order in the area in which ~~where~~ the cooperative is located or prohibit or restrict access to the cooperative property in the event of a public health threat. If a unit owner or other occupant of a cooperative fails or refuses to evacuate the cooperative property for which the board has required evacuation, the association is immune from liability for injury to persons or property arising from such failure or refusal.

Section 23. Subsection (3) of section 719.501, Florida Statutes, is amended, paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718,

has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any

books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such

affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but

in no event shall the penalty for any offense exceed $5,000. The division shall adopt~~,~~ by rule~~,~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the

division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act,

subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both

volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~,~~ by rule~~,~~ additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all cooperative associations shall create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may

require cooperative associations to provide such information no more than once per year, except that the division may require cooperative associations to update their contact information in paragraph (a) within 30 days after any change. The division shall provide a cooperative association at least a 45-day notice of any requirement to provide any required information after the cooperative association creates an online account. The information that the division may require associations to provide is limited to:

(a) The contact information for the association that includes all of the following:

1. The name of the association.

2. The physical address of the cooperative property.

3. The mailing address and county of the association.

4. The e-mail address and telephone number for the association.

5. The name and board title for each member of the association's board.

6. The name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) The total number of buildings and for each building in the association:

1. The total number of stories of each building, including both habitable and uninhabitable stories.

2. The total number of units.

3. The age of each building based on the certificate of occupancy.

4. Any construction commenced on the common elements within the previous calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department. The association must provide such materials within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the cooperative property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the cooperative property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 24. Paragraph (d) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described

in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-

PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED

SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL

HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a

structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 25. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics or the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

Section 26. For the purpose of incorporating the amendment made by this act to section 468.4335, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is reenacted to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:

(b)1. Violation of this part.

2. Violation of any lawful order or rule rendered or adopted by the department or the council.

3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.

4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

5. Committing acts of gross misconduct or gross negligence in connection with the profession.

6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.

7. Failing to disclose any conflict of interest as required by s. 468.4335.

8. Violating chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association as defined in s. 468.431(1).

Section 27. For the purpose of incorporating the amendment made by this act to section 718.110, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is reenacted to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to

the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein. Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments that materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended under the procedures provided therein. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 28. For the purpose of incorporating the amendment made by this act to section 718.110, Florida Statutes, in a reference thereto, subsection (4) of section 718.117, Florida Statutes, is reenacted to read:

718.117 Termination of condominium.—

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4). In a partial termination, a plan of termination is not an amendment subject to s. 718.110(4) if the ownership share of the common elements of a surviving unit in the condominium remains in the same proportion to the surviving units as it was before the partial termination.

Section 29. For the purpose of incorporating the amendment

made by this act to section 718.110, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 718.403, Florida Statutes, is reenacted to read:

718.403 Phase condominiums.—

(1) Notwithstanding the provisions of s. 718.110, a developer may develop a condominium in phases, if the original declaration of condominium submitting the initial phase to condominium ownership or an amendment to the declaration which has been approved by all of the unit owners and unit mortgagees provides for and describes in detail all anticipated phases; the impact, if any, which the completion of subsequent phases would have upon the initial phase; and the time period within which all phases must be added to the condominium and comply with the requirements of this section and at the end of which the right to add additional phases expires.

(d) An amendment that extends the 7-year period pursuant to this section is not subject to the requirements of s. 718.110(4).

Section 30. For the purpose of incorporating the amendment made by this act to section 718.110, Florida Statutes, in a reference thereto, subsection (4) of section 718.405, Florida Statutes, is reenacted to read:

718.405 Multicondominiums; multicondominium associations.—

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation

of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 31. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited

financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 32. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and

sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule

require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b),

including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense

or assessments for common maintenance paid by the unit owners to the association.

Section 33. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations arising under this section.

Section 34. For the purpose of incorporating the amendment made by this act to section 718.113, Florida Statutes, in a reference thereto, paragraph (e) of subsection (1) of section 718.115, Florida Statutes, is reenacted to read:

718.115 Common expenses and common surplus.—

(1)

(e)1. Except as provided in s. 718.113(5)(d), if the installation of hurricane protection is the responsibility of the unit owners pursuant to the declaration of condominium or a vote of the unit owners under s. 718.113(5), the cost of the installation of hurricane protection by the association is not a common expense and must be charged individually to the unit owners based on the cost of installation of hurricane protection appurtenant to the unit. The costs of installation of hurricane protection are enforceable as an assessment and may be collected in the manner provided under s. 718.116.

2. Notwithstanding s. 718.116(9), and regardless of whether the declaration requires the association or unit owners to install, maintain, repair, or replace hurricane protection, the owner of a unit in which hurricane protection that complies with the current applicable building code has been installed is excused from any assessment levied by the association or shall receive a credit if the same type of hurricane protection is installed by the association. A credit is applicable if the installation of hurricane protection is for all other units that do not have hurricane protection and the cost of such installation is funded by the association's budget, including the use of reserve funds. The credit must be equal to the amount that the unit owner would have been assessed to install the

hurricane protection. However, such unit owner remains responsible for the pro rata share of expenses for hurricane protection installed on common elements and association property by the board pursuant to s. 718.113(5) and remains responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such hurricane protection. Expenses for the installation, replacement, operation, repair, or maintenance of hurricane protection on common elements and association property are common expenses.

Section 35. For the purpose of incorporating the amendments made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in

compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 36. For the purpose of incorporating the amendment made by this act to section 718.301, Florida Statutes, in a reference thereto, subsection (2) of section 718.705, Florida Statutes, is reenacted to read:

718.705 Board of administration; transfer of control.—

(2) Unless control of the board of administration of the association has already been relinquished pursuant to s. 718.301(1), the bulk assignee must relinquish control of the association pursuant to s. 718.301 and this part, as if the bulk assignee were the developer.

Section 37. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and

replacement of the cooperative property performed as required under s. 719.106(1)(k).

Section 38. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is

obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a

summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 719.106(1)(k).

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 39. Except as otherwise provided in this act, this act shall take effect July 1, 2025.

Committee on Community Affairs

CS/CS/CS/SB 954 — Certified Recovery Residences

by Rules Committee; Appropriations Committee on Health and Human Services; Community Affairs Committee; and Senators Gruters and Rouson

The bill requires local governments to adopt an ordinance by January 1, 2026, and subject to certain restrictions, to formalize and streamline the process for applicants seeking reasonable accommodations from land use regulations in order to open a certified recovery residence. The ordinance must contain a procedure which results in approval or denial within 60 days after receipt of an application, without public hearings beyond the minimum required to grant the requested accommodation.

For certain Level IV certified recovery residences, the bill also eliminates staffing requirements when patients are not present and increases the number of residents that a recovery residence administrator can oversee from 150 to 300 if the operator maintains certain personnel-to-resident ratios when residents are present.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.
Vote: Senate 37-0; House 97-10

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

An act relating to certified recovery residences; amending s. 397.487, F.S.; requiring, by a specified date, the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; requiring that such ordinance include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; specifying criteria for the ordinance; providing that the ordinance may establish additional requirements for the review and approval of reasonable accommodation requests; requiring that such additional requirements be consistent with federal law and not conflict with the act; prohibiting the ordinance from requiring public hearings beyond the minimum required by law; providing that the ordinance may include provisions for revocation of a granted accommodation for cause, if the accommodation is not reinstated within a specified timeframe; providing construction; amending s. 397.4871, F.S.; providing that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence; providing that a certified recovery residence administrator for Level IV certified recovery residences which maintains a specified personnel-to-patient ratio has a limitation on the number of residents it may manage; providing an

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effective date.

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

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of

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a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number; and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to

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maintain certification or licensure required under this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified recovery residence operating as community housing as defined in s. 397.311(9), which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at

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the residence ~~24 hours a day, 7 days a week,~~ with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination, resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Section 3. This act shall take effect July 1, 2025.

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Committee on Community Affairs

SB 582 — Unlawful Demolition of Historical Buildings and Structures

by Senator Leek

The bill authorizes a code enforcement board or special magistrate to impose fines above the limits specified in statute for the demolition of a structure listed on the National Register of Historic Places or that is a contributing resource to a National Register-listed district.

To impose the fine, the code enforcement board or special magistrate must find, based on competent substantial evidence, that the demolition of the historic structure must have been knowing and willful, not permitted, and not the result of a natural disaster.

The bill limits such fines to no more than 20 percent of the fair or just market valuation of the property before demolition, as determined by the property appraiser.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.
Vote: Senate 34-0; House 115-1

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

An act relating to unlawful demolition of historical buildings and structures; amending s. 162.09, F.S.; authorizing a code enforcement board or special magistrate to impose a fine that exceeds certain limits for the unlawful demolition of certain historical buildings or structures under certain circumstances; providing that such fine may not exceed a certain percentage of just market valuation; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (2) of section 162.09, Florida Statutes, to read:

162.09 Administrative fines; costs of repair; liens.—

(2)

(e) For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as

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determined by the property appraiser.

Section 2. This act shall take effect July 1, 2025.

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Committee on Community Affairs

CS/SB 1080 — Local Government Land Regulation

by Rules Committee and Senator McClain

Zoning Applications and Comprehensive Plan Amendments

The bill requires a local government to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. Such information must be available for inspection and copying, posted on the local government's website, and provided to an applicant at a pre-application meeting.

The bill also provides that comprehensive plan amendments not approved at the second public hearing in the plan amendment adoption process must be approved within 180 days thereafter to avoid being deemed withdrawn.

Timeframes for Processing Development Permits and Orders

The bill establishes timeframes for which counties and cities must process applications for development permits and orders. Within five business days after receiving an application for the approval of a development permit or order, the local government must confirm receipt of the application to the applicant. Within 30 days of receiving an application, the local government must either notify the applicant in writing that the application is complete or specify any areas that are deficient. The local government must approve, approve with conditions, or deny the application within 120 days of deeming the application complete, or 180 days if the application requires a quasi-judicial or public hearing.

Additionally, the bill requires the local government to issue specified refund amounts to applicants for failing to meet the prescribed timeframes in the bill.

Impact Fees and Building Code Fees

Current law provides limitations on impact fee increases imposed by local governments, requiring an increase to be phased-in over specified time periods depending on the rate of the increase. However, the phase-in limitations do not apply if the local government completes a study justifying the increase and demonstrating *extraordinary circumstances* necessitating the need to exceed the limitations, holds two public hearings, and receives approval by at least a two-thirds vote of the governing body. The bill prohibits a local government from increasing impact fees using *extraordinary circumstances* methodology if the local government has not increased the impact fee within the past 5 years. The bill increases the vote threshold to a unanimous vote of the governing body and requires such increase to be implemented in at least two but not more than four equal annual increments. These provisions take effect on January 1, 2026.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

The bill also provides that alternative fees to school district impact fees must meet certain concurrency tests in order to be collected, charged, or imposed; and expands the use of revenue from building code fees and fines to also be used for carrying out processes and enforcement related to obtaining or finalizing building permits.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025, except as otherwise provided.
Vote: Senate 29-8; House 84-29

An act relating to local government land regulation; amending s. 125.022, F.S.; requiring counties to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term "substantive change"; providing refund parameters in situations where the county fails to meet certain timeframes; providing exceptions; amending s. 163.3180, F.S.; prohibiting a school district from collecting, charging, or imposing certain fees unless they meet certain requirements; providing a standard of review for actions challenging such fees; amending s. 553.80, F.S.; specifying certain purposes for which local governments may use certain fees to carry out activities relating to obtaining or finalizing a building permit; amending s. 163.31801, F.S.; revising the voting threshold required for approval of certain impact fee increase ordinances by local governments, school districts, and special districts; requiring that certain impact fee increases be implemented in specified increments; prohibiting a local government from increasing an impact fee rate beyond certain phase-in limitations under certain circumstances; deleting retroactive applicability; amending s. 163.3184, F.S.; providing that if comprehensive plan amendments are not adopted at a specified hearing, such amendments must be formally adopted within a

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certain time period or they are deemed withdrawn; increasing the time period within which comprehensive plan amendments must be transmitted; amending s. 166.033, F.S.; requiring municipalities to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term "substantive change"; providing refund parameters in situations where the municipality fails to meet certain timeframes; providing exceptions; providing effective dates.

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

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make the minimum information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a

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county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive

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change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a) ~~(2)(a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the

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request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

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(e) One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5) ~~(3)~~ When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6) ~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7) ~~(5)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(8) ~~(6)~~ Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the

county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)~~(7)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Present paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection, to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.31801(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the requirements of state legal precedent.

Section 3. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may

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provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not

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provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees

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adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities not related to obtaining a building permit.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a. Providing proof of licensure under chapter 489;

b. Recording or filing a license issued under this chapter;

c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or

d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 4. Effective January 1, 2026, paragraphs (g) and

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(h) of subsection (6) of section 163.31801, Florida Statutes, are amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a.~~1.~~ A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

b.~~2.~~ The local government jurisdiction has held at least ~~not less than~~ two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c.~~3.~~ The impact fee increase ordinance is approved by ~~at least~~ a unanimous ~~two-thirds~~ vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact

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fee increase ordinance is adopted.

3. A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

~~(h) This subsection operates retroactively to January 1, 2021.~~

Section 5. Paragraphs (b) and (c) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), shall transmit, within 10 working days after the date of adoption, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state

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resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the

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county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

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f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments,~~ the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. If the amendments are not adopted at the second public hearing, the amendments shall be formally adopted by the local government within 180 days after the second public hearing is held or the amendments are deemed withdrawn ~~The 180-day limitation does not apply to amendments processed pursuant to s. 380.06~~.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 30 ~~10~~ working days after the final

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adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 30 ~~10~~ working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

a. The adoption ordinance or ordinances;

b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Section 6. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

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(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a

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development permit or development order within 180 days after the municipality has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a) ~~(2)(a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional

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information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after

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receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)~~(3)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule,

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statute, or other legal authority for the denial of the permit or order.

(6)~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)~~(5)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8)~~(6)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)~~(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 7. Except as otherwise expressly provided in this

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act, this act shall take effect October 1, 2025.

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Committee on Education Pre-K - 12

CS/CS/HB 1255 — Education

by Education & Employment Committee; Student Academic Success Subcommittee; and Reps. Trabulsy, Tramont, and others (CS/CS/SB 1618 by Fiscal Policy Committee; Appropriations Committee on Pre-K - 12 Education; and Senator Calatayud)

The bill modifies Florida's prekindergarten through grade 12 education system related to early learning, academic standards and student achievement, instructional personnel, and student discipline, and modifies provisions related to higher education which focus on tuition and fee policies, educational programs, and institutional operations. The bill also repeals the Florida School for Competitive Academics.

Early Learning and the Voluntary Prekindergarten (VPK) Program

The bill updates eligibility for the School Readiness (SR) program by redefining "economically disadvantaged" as families earning up to 55 percent of the state median income, replacing the previous threshold of 150 percent of the federal poverty level. The bill requires SR program waitlists to track children waiting for services by household income and priority levels. Finally, the bill removes the restriction preventing families from using the full Voluntary Prekindergarten (VPK) voucher if their child has attended more than 70 percent of the program, allowing transfers between providers without forfeiting benefits.

School Districts

The bill removes the Commissioner of Education's authority to evaluate whether schools have adequately included minority or low-income persons on school advisory councils. The bill also adds liability insurance to the types of casualty insurance expenses that can be funded using revenues from a school district's discretionary millage levy.

K-12 Academic Support and Tutoring

The bill expands student academic support for students with mathematics deficiencies by requiring school districts to notify parents when a student is eligible for the New Worlds Scholarship or tutoring services. The bill requires that the New Worlds Tutoring Program best practice guidelines aligned with Florida's Benchmarks for Excellent Student Thinking (B.E.S.T.). Standards must be in consultation with the Department of Education's (DOE's) Office of Mathematics and Science. The bill requires that reading interventions be delivered by educators with a reading certification, endorsement, or micro-credential and specifies supervision for instructors with a micro-credential. Finally, the bill requires that instruction on personal financial literacy must include guidance on the costs of higher education and the Free Application for Federal Student Aid (FAFSA).

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Charter and Private School Facilities

The bill specifies that local governments cannot enforce building, site, or operational rules on charter schools–such as parking, student capacity, hours of operation, or site size–unless those rules are also uniformly applied to public schools in the area. Charter schools are exempt from land use changes or permits that would not be required of other public or private schools at the same location. Any condition to limit the size or hours of operation imposed on a charter school must match those for public schools and only apply if the charter school is on a site with an already approved development order that includes such conditions.

The bill authorizes private schools located in counties with four incorporated municipalities to construct new facilities on property that housed specified facilities, such as a church or theater, under the preexisting zoning and land use designations without obtaining a special exception or a land use change and without complying with any mitigation requirements or conditions.

Instructional Personnel

The bill replaces the term "critical-teacher shortage" with "high demand teacher needs area" throughout statute. The bill authorizes lab schools and charter school consortia with at least 30 member schools and a DOE-approved professional learning system to submit Teacher of the Year nominations. The bill also requires that background screening for private school employees be transferred to the Agency for Health Care Administration clearinghouse, aligning fingerprinting standards with those applied to public school teachers.

Student Discipline and Safety

The bill provides school districts additional authority to address students' persistent disobedience or disrespect. The bill specifies measures for the child study team and provides that prior to the expiration of an expulsion period, the school superintendent must determine, based on input from the school's threat management team, whether the expulsion should be extended and what educational services should be offered during the extension. The bill requires that if corporal punishment policies are adopted by a school district or charter school, the policies must include a requirement for parental permission. The bill revises requirements for emergency opioid antagonists, removing the specification of naloxone and allowing broader options for K-12 and postsecondary institutions.

Scholarships and Financial Aid

The bill expands Bright Futures Scholarship eligibility to include students who graduate from non-Florida high schools while residing with a parent or guardian who retired from military or public service within 12 months prior to graduation. The bill also authorizes the use of tutoring hours performed by students under the Reading Achievement Initiative for Scholastic Excellence (RAISE) program, whether paid or unpaid, to count toward community service requirements for both high school graduation and the Bright Futures program. The bill also clarifies and maintains

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the eligibility of EASE Grant institutions under DOE's oversight for funding through the Linking Industry to Nursing Education (LINE) initiative.

Higher Education

The bill renames Hillsborough Community College to Hillsborough College. The update cycle for university facility master plans is extended from every five years to every ten years. The bill authorizes the State Board of Education (SBE) and the Board of Governors to identify a national consortium to develop general education courses for high school students and to deliver related training under the Florida Partnership for Minority and Underrepresented Student Achievement. The bill expands acceptable assessments for university preeminence eligibility by including the Classical Learning Test (CLT), with a qualifying average score of 83 or above on a 120-point scale.

The bill revises the criteria for nonpublic religious postsecondary institutions to operate without licensure. The bill requires the Commission for Independent Education (commission) to approve or deny institution compliance affidavits in a public meeting. The bill authorizes the commission to take certain actions against an institution that fails to comply with operating requirements.

Military-Connected Students

The bill extends the repeal date of the Military Interstate Children's Compact Commission from July 1, 2025, to July 1, 2028, and requires the DOE to develop training modules for employees to expedite student record transfers for military families.

Assessments and Standards

The bill requires that standards documents approved by the SBE contain only the standards and benchmarks, without additional clarification statements. All currently approved standards documents must be revised no later than July 1, 2026. The bill adds the CLT 10 assessment as an approved test option for students in grade 10 under the Florida Partnership for Minority and Underrepresented Student Achievement.

Public Agency Provisions

The bill revises membership in local children's services councils and increases terms from two to three years. The bill also waives open competition requirements for state agencies to hire individuals who have completed an apprenticeship program with that agency.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.
Vote: Senate 30-0; House 100-0

An act relating to education; amending s. 11.45, F.S.; deleting the Florida School for Competitive Academics from the list of entities subject to certain audit requirements; amending s. 110.211, F.S.; authorizing recruiting within the career service system to include the use of certain apprenticeship programs; providing that open competition is not required under certain circumstances relating to the career service system; amending s. 125.901, F.S.; revising the composition and terms of membership of certain councils; amending s. 216.251, F.S.; deleting the Florida School for Competitive Academics from specified classification and pay plans; amending s. 446.032, F.S.; revising the date by which the Department of Education is required to publish an annual report on apprenticeship and preapprenticeship programs; amending s. 447.203, F.S.; deleting the Florida School for Competitive Academics from the definition of a public employer; amending s. 1000.04, F.S.; deleting the Florida School for Competitive Academics from the components of Florida's Early Learning-20 education system; amending s. 1000.21, F.S.; renaming Hillsborough Community College as "Hillsborough College"; amending s. 1000.40, F.S.; revising the scheduled repeal date of the Interstate

Compact on Educational Opportunity for Military Children; amending s. 1001.03, F.S.; renaming critical teacher shortage areas as "high-demand teacher needs areas"; amending s. 1001.20, F.S.; deleting oversight of the Florida School for Competitive Academics from the duties of the Office of Inspector General within the department; amending s. 1001.452, F.S.; deleting a provision requiring the Commissioner of Education to determine whether school districts have maximized efforts to include minority persons and persons of lower socioeconomic status on their school advisory councils; amending s. 1001.7065, F.S.; revising academic standards for the preeminent state research university program to include a specified average Classic Learning Test score; amending s. 1002.20, F.S.; authorizing public schools to purchase or enter into arrangements for certain emergency opioid antagonists, rather than only for naloxone; requiring that district school board policies authorizing corporal punishment include a requirement that parental consent be provided before the administration of corporal punishment; amending s. 1002.33, F.S.; requiring a charter school to comply with provisions relating to corporal punishment; prohibiting local governing authorities from imposing or enforcing

certain building requirements and restrictions on charter school facilities; requiring the local governing authority to administratively approve a charter school if certain requirements are met; amending the statutory cause of action for an aggrieved school or entity; prohibiting local governing authorities from requiring charter schools to obtain a special exemption or conditional use approval unless otherwise specified; repealing s. 1002.351, F.S., relating to the Florida School for Competitive Academics; amending s. 1002.394, F.S.; deleting the Florida School for Competitive Academics from Family Empowerment Scholarship prohibitions; amending s. 1002.395, F.S.; deleting the Florida School for Competitive Academics from Florida Tax Credit Scholarship prohibitions; amending s. 1002.42, F.S.; authorizing certain private schools to construct new facilities on property that meets specified criteria; amending s. 1002.421, F.S.; revising the background screening requirements for certain private school personnel; amending s. 1002.71, F.S.; revising the conditions under which a student may withdraw from a prekindergarten program and reenroll in another program; amending s. 1002.81, F.S.; revising definitions; amending s. 1002.82, F.S.; revising

requirements for a specified statewide data information program within the school readiness program; amending s. 1002.84, F.S.; revising requirements for the program's uniform waiting list; amending s. 1002.85, F.S.; conforming provisions to changes made by the act; amending s. 1002.89, F.S.; revising the requirements for determining the school readiness program allocation; amending s. 1003.05, F.S.; requiring that strategies addressed in specified memoranda of agreement between school districts and military installations include the development and implementation of a specified training module; requiring the Department of Education to provide the training module to each district school board; requiring each district school board to provide such module to each public and charter K-12 school in its district; requiring district school boards to make certain training available to certain employees; amending s. 1003.41, F.S.; requiring that certain standards documents contain only academic standards and benchmarks; requiring the Commissioner of Education to revise currently approved standards documents and submit them to the State Board of Education by a specified date; amending s. 1003.4201, F.S.; authorizing the inclusion of intensive reading

interventions in a school district comprehensive reading instruction plan; requiring that intensive reading interventions be delivered by instructional personnel who possess a micro-credential or are certified or endorsed in reading; requiring that such interventions incorporate certain strategies; requiring that instructional personnel with a micro-credential be supervised by an individual certified or endorsed in reading; defining the term "supervised"; authorizing the inclusion in the reading instruction plans of a description of how school districts prioritize the assignment of highly effective teachers; amending s. 1003.4282, F.S.; revising the requirements for instruction on financial literacy; amending s. 1004.04, F.S.; conforming provisions to changes made by the act; amending s. 1004.0971, F.S.; revising the definition of the term "emergency opioid antagonist"; amending s. 1005.06, F.S.; authorizing certain institutions to operate without licensure; specifying affirmations required as a part of an affidavit; requiring submission of requested documentation in a specified timeframe; requiring the Commission for Independent Education to review such affidavit in a public meeting; specifying commission actions for noncompliance; authorizing the commission

to adopt rules; amending s. 1006.09, F.S.; expanding the duties of school principals relating to student discipline and school safety; amending s. 1006.13, F.S.; requiring district school superintendents to provide a determination to extend the expulsion period for students; providing requirements for such determination; requiring such determination be provided to students and parents; amending s. 1007.27, F.S.; requiring the state board to identify national consortia to develop certain courses; authorizing the department to join or establish a national consortium as an additional alternative method to develop and implement advanced placement courses; amending s. 1007.35, F.S.; revising which examinations public high schools are required to administer; revising the examinations about which a partnership must provide information to specified individuals and entities; revising the examinations for which the department must provide the learning data from to a certain partnership; amending s. 1008.25, F.S.; requiring parents of a student who exhibits a substantial deficiency in mathematics to be notified in writing of information about the student's eligibility for the New Worlds Scholarship Accounts and the New Worlds Tutoring Program; amending s. 1008.365, F.S.; revising

the types of tutoring hours that may be counted toward meeting the community service requirements for the Bright Futures Scholarship Program; amending s. 1008.366, F.S.; requiring the New Worlds Tutoring Program to provide best practice guidelines for mathematics tutoring in consultation with the Office of Mathematics and Sciences; revising the submission date for a specified report relating to the New Worlds Tutoring Program; amending s. 1009.8962, F.S.; revising the definition of the term "institution"; repealing s. 1011.58, F.S., relating to legislative budget requests of the Florida School for Competitive Academics; repealing s. 1011.59, F.S., relating to funds for the Florida School for Competitive Academics; amending s. 1011.71, F.S.; revising the types of casualty insurance premiums that may be paid by a district school tax; amending ss. 1012.07 and 1012.22, F.S.; conforming provisions to changes made by the act; amending s. 1012.315, F.S.; providing that specified provisions relating to ineligibility for educator certification or specified employment apply to owners and operators of certain private schools; providing that certain background screening requirements remain in place for a specified period of time for certain personnel; amending s. 1012.77, F.S.;

specifying entities eligible to submit nominees for the Teacher of the Year and Ambassador for Education awards; amending s. 1013.30, F.S.; revising the timeframe for updates to state university campus master plans; amending s. 1009.531, F.S.; revising eligibility requirements for the Florida Bright Futures Scholarship Program for students who earn a high school diploma from a non-Florida school under certain circumstances; providing effective dates.

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

Section 1. Paragraphs (d) and (f) of subsection (2) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of less ~~fewer~~ than 150,000, according to the most recent federal decennial statewide census; and the Florida School for the Deaf and the Blind~~; and the Florida School for Competitive Academics~~.

(f) At least every 3 years, conduct operational audits of the accounts and records of state agencies, state universities, state colleges, district school boards, the Florida Clerks of

Court Operations Corporation, water management districts, and the Florida School for the Deaf and the Blind~~, and the Florida School for Competitive Academics~~.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (3) of section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(3) Recruiting shall seek efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. Recruiting may include the use of an apprenticeship program as defined in s. 446.021(6). Open competition is not required for a position that will be filled by a person who has successfully completed an apprenticeship program with the hiring agency.

Section 3. Paragraph (b) of subsection (1) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.012 and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval at a general election, as defined in s. 97.021, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage. However, a referendum to increase the millage rate previously approved by the electors must be held at a general election, and the referendum may be held only once during the 48-month period preceding the effective date of the increased millage.

(b) However, any county as defined in s. 125.011(1) may instead have a governing body composed ~~consisting~~ of 33 members, including the superintendent of schools, or his or her designee; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer, or his or her designee; the district

administrator from the appropriate district of the Department of Children and Families, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the early learning coalition, selected by that coalition; a representative of a labor organization or union active in the county; ~~a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition;~~ a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the

mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and five ~~4~~ members-at-large, appointed to the council by the majority of sitting council members. The remaining seven members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic makeup ~~diversity~~ of the population of the county. Members ~~who are~~ appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body shall be appointed to serve 3-year ~~2-year~~ terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

Section 4. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Governors or the designee of the board for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

~~6. Within the classification and pay plans established by the Board of Trustees for the Florida School for Competitive Academics of the Department of Education and approved by the~~

~~State Board of Education for academic and academic administrative personnel.~~

Section 5. Subsection (2) of section 446.032, Florida Statutes, is amended to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(2) By November 30 ~~September 1~~ of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(a) A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

(b) A detailed summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, including:

1. The total amount of funds received for apprenticeship and preapprenticeship programs.

2. The total amount of funds allocated by training provider, program, and occupation.

3. The total amount of funds expended for administrative costs by training provider, program, and occupation.

4. The total amount of funds expended for instructional costs by training provider, program, and occupation.

(c) The number of apprentices and preapprentices per trade and occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.

(e) Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives and the outcomes of such activities and their impact on establishing or expanding apprenticeship and preapprenticeship programs.

(g) Retention and completion rates of participants disaggregated by training provider, program, and occupation.

(h) Wage progression of participants as demonstrated by starting, exit, and postapprenticeship wages at 1 and 5 years after participants exit the program.

Section 6. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a

public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor is deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, is deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college is deemed to be the public employer with respect to all employees of the community college. The district school board is deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. ~~The Board of Trustees of the Florida School for Competitive Academics is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for Competitive Academics.~~ The Governor is deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 7. Subsection (7) of section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida Early Learning-20 education system.—Florida's Early Learning-20 education system provides for the delivery of early learning and public education through publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

~~(7) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The Florida School for Competitive Academics is a component of the delivery of public education within Florida's Early Learning-20 education system.~~

Section 8. Paragraph (j) of subsection (5) of section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida Early Learning-20 Education Code:

(5) "Florida College System institution" except as otherwise specifically provided, includes all of the following public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution:

(j) Hillsborough ~~Community~~ College, which serves Hillsborough County.

Section 9. Effective upon this act becoming a law, section

1000.40, Florida Statutes, is amended to read:

1000.40 Future repeal of the Interstate Compact on Educational Opportunity for Military Children.—Sections 1000.36, 1000.361, 1000.38, and 1000.39 and this section shall stand repealed on July 1, 2028 ~~2025~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 10. Subsection (5) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(5) IDENTIFICATION OF HIGH-DEMAND ~~CRITICAL~~ TEACHER NEEDS ~~SHORTAGE~~ AREAS.—The State Board of Education shall identify high-demand ~~critical~~ teacher needs ~~shortage~~ areas pursuant to s. 1012.07.

Section 11. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) *Office of Inspector General.*—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, ~~the Florida School for Competitive~~

~~Academics,~~ and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, ~~the Board of Trustees for the Florida School for Competitive Academics,~~ or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, ~~the Florida School for Competitive Academics,~~ or the Florida College System institution, the office must conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office may investigate allegations or reports of suspected violations of a student's, parent's, or teacher's rights. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 12. Paragraph (a) of subsection (1) of section 1001.452, Florida Statutes, is amended to read:

1001.452 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of ss. 1001.42(18) and 1008.345. A majority of the members of each school advisory council must be persons who are not employed by the school district. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.

2. Education support employees shall be elected by education support employees.

3. Students shall be elected by students.

4. Parents shall be elected by parents.

The district school board shall establish procedures to be used by schools in selecting business and community members which ~~that~~ include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board must ~~shall~~ appoint additional members to achieve proper representation. ~~The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status.~~ Although schools are strongly encouraged to establish school advisory councils, the district school board of any school district that has a student population of 10,000 or less ~~fewer~~ may establish a district advisory council which includes at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district

advisory councils, the term "teacher" includes classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, the term "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

Section 13. Paragraph (a) of subsection (2) of section 1001.7065, Florida Statutes, is amended to read:

1001.7065 Preeminent state research universities program.—

(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The following academic and research excellence standards are established for the preeminent state research universities program and shall be reported annually in the Board of Governors Accountability Plan:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1200 or higher on a 1600-point scale or an average ACT score of 25 or higher on a 36 score scale, using the latest published national concordance table developed jointly by the College Board and ACT, Inc., or an average Classic Learning Test score of 83 or higher on a 120 score scale, for fall semester incoming freshmen, as reported annually.

Section 14. Paragraph (o) of subsection (3) and paragraph (c) of subsection (4) of section 1002.20, Florida Statutes, are

amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(o) *Emergency opioid antagonist* ~~*Naloxone*~~ *use and supply.*—

1. A public school may purchase a supply of an emergency ~~the~~ opioid antagonist approved by the United States Food and Drug Administration (FDA) ~~naloxone~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for an FDA-approved emergency opioid antagonist ~~naloxone~~ at fair-market, free, or reduced prices for use in the event that a student has an opioid overdose. The FDA-approved emergency opioid antagonist ~~naloxone~~ must be maintained in a secure location on the public school's premises.

2. A public school ~~district~~ employee who administers an approved emergency opioid antagonist to a student in compliance with ss. 381.887 and 768.13 is immune from civil liability under s. 768.13.

(4) DISCIPLINE.—

(c) *Corporal punishment.*—

1. In accordance with ~~the provisions of~~ s. 1003.32, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

2. A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall include in such policy a requirement that a parent provide consent for the school to administer corporal punishment. The district school board policy may require such consent for the school year, or before each administration. The district school board shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board's policy authorizing corporal punishment expires.

Section 15. Paragraph (b) of subsection (16) and paragraphs (a) and (c) of subsection (18) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat management teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.07(10), relating to reporting of involuntary examinations.

12. Section 1006.1493, relating to the Florida Safe

Schools Assessment Tool.

13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health awareness and assistance training.

16. Section 1001.42(4)(f)2., relating to middle school and high school start times. A charter school-in-the-workplace is exempt from this requirement.

17. Section 1002.20(4)(c), relating to school corporal punishment.

(18) FACILITIES.—

(a)1. A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are

not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37.

2. The local governing authority may ~~shall~~ not adopt, ~~or~~ impose, or enforce any local building requirements, ~~or~~ site-development restrictions, or operational requirements that impact, ~~such as~~ parking and site-size criteria, student enrollment and capacity, hours of operation, and occupant load:~~,~~

a. That are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code; or

b. That are not uniformly imposed or enforced by the local governing authority upon public schools within the jurisdiction of the local governing authority.

3. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools, including such provisions that are established by interlocal agreement, development order, or development permit. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools. A charter school may not be subject to any land use regulation requiring a change to a local government comprehensive plan or requiring a

development order or development permit, as those terms are defined in s. 163.3164, or any requirement or restriction that would not be required for a public or private school in the same location or a location on which a public or private school has previously been permitted. A local governing authority may not apply or enforce a condition against a charter school unless the condition is uniformly applied to other public schools within the jurisdiction of the local governing authority and the charter school is located on property that is the subject of a previously approved development order or development permit, and if such development order or development permit contains conditions applicable to the construction or operation of a public or private school, including, but not limited to:

a. Limits on the number of students;

b. Limits on the number of teachers;

c. Limits on the number of classrooms;

d. Limits on the hours of operation;

e. Minimum outdoor recreation area; or

f. Requirements to conform to a prior plan of development.

4. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. A charter school that meets the requirements of state law consistent with the requirements of this subsection shall be administratively approved by the local

governing authority. If a ~~an official or employee of the~~ local governing authority refuses to comply with this subsection ~~paragraph~~, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights ~~by injunction~~. An aggrieved party that prevails in such an action ~~receives injunctive relief~~ may be awarded attorney fees and court costs.

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), is exempt from ad valorem taxes pursuant to s. 196.1983. Notwithstanding any other law, local ordinance, or regulation to the contrary, a local governing authority may not require a charter school to obtain a special exemption or conditional use approval for the charter school to be an allowable use under the local governing authority's land development code. Any library, community service, museum, performing arts, theater, cinema, or church facility; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305 may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

Section 16. Section 1002.351, Florida Statutes, is

repealed.

Section 17. Subsection (6) of section 1002.394, Florida Statutes, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a Family Empowerment Scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, ~~the Florida School for Competitive Academics,~~ the Florida Virtual School, the Florida Scholars Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in a Department of Juvenile Justice commitment program;

(c) Receiving any other educational scholarship pursuant to this chapter. However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a scholarship for transportation pursuant to subparagraph (4)(a)2.;

(d) Not having regular and direct contact with his or her

private school teachers pursuant to s. 1002.421(1)(i), unless he or she is eligible pursuant to paragraph (3)(b) and enrolled in the participating private school's transition-to-work program pursuant to subsection (16) or a home education program pursuant to s. 1002.41;

(e) Participating in a private tutoring program pursuant to s. 1002.43 unless he or she is determined eligible pursuant to paragraph (3)(b); or

(f) Participating in virtual instruction pursuant to s. 1002.455 that receives state funding pursuant to the student's participation.

Section 18. Subsection (4) of section 1002.395, Florida Statutes, is amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, ~~the Florida School for Competitive Academics,~~ the Florida Virtual School, the Florida Scholars Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered a student enrolled full time in a

public school;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in a Department of Juvenile Justice commitment program;

(c) Receiving any other educational scholarship pursuant to this chapter. However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a scholarship for transportation pursuant to subparagraph (6)(d)4.;

(d) Not having regular and direct contact with his or her private school teachers pursuant to s. 1002.421(1)(i) unless he or she is enrolled in a personalized education program;

(e) Participating in a home education program as defined in s. 1002.01(1);

(f) Participating in a private tutoring program pursuant to s. 1002.43 unless he or she is enrolled in a personalized education program; or

(g) Participating in virtual instruction pursuant to s. 1002.455 that receives state funding pursuant to the student's participation.

Section 19. Paragraph (c) is added to subsection (19) of section 1002.42, Florida Statutes, to read:

1002.42 Private schools.—

(19) FACILITIES.—

(c) A private school located in a county with four

incorporated municipalities may construct new facilities, which may be temporary or permanent, on property purchased from or owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school; any land owned by a Florida College System institution or state university; and any land recently used to house a school or child care facility licensed under s. 402.305 under its preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change and without complying with any mitigation requirements or conditions. The new facility must be located on property used solely for purposes described in this paragraph and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

Section 20. Paragraphs (e), (m), and (p) of subsection (1) of section 1002.421, Florida Statutes, are amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01 in this state, be registered, and be in compliance with all requirements of this section in addition to

private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening ~~pursuant to s. 435.12~~ and have met the screening standards as provided in s. 1012.315 ~~s. 435.04~~.

(m) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo ~~a state and national~~ background screening under s. 1012.315~~, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints~~ and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 1012.315 ~~s. 435.04~~. ~~Results of the screening shall be provided to the participating private school.~~ For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the

private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 is not required to comply with the provisions of this paragraph.

5. All fingerprints submitted to the Department of Law Enforcement as required by this section must ~~shall~~ be retained in the Care Provider Background Screening Clearinghouse as provided in s. 435.12 ~~by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051~~.

6. Employees, contracted personnel, owners, and operators must be rescreened as required by s. 435.12.

7. Persons who apply for employment are governed by the

laws and rules in effect at the time of application for employment, provided that the person is continually employed by the same school.

~~6. The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 5. Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing school with which the person is affiliated. Each private school participating in a scholarship program is required to participate in this search process by informing the Department of Law Enforcement of any change in the employment or contractual status of its personnel whose fingerprints are retained under subparagraph 5. The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each private school for performing these searches and establishing the procedures for the retention of private school employee and contracted personnel fingerprints and the dissemination of search results. The fee may be borne by the private school or the person fingerprinted.~~

~~7. Employees and contracted personnel whose fingerprints are not retained by the Department of Law Enforcement under subparagraphs 5. and 6. are required to be refingerprinted and must meet state and national background screening requirements~~

~~upon reemployment or reengagement to provide services in order to comply with the requirements of this section~~.

~~8. Every 5 years following employment or engagement to provide services with a private school, employees or contracted personnel required to be screened under this section must meet screening standards under s. 435.04, at which time the private school shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national processing. If the fingerprints of employees or contracted personnel are not retained by the Department of Law Enforcement under subparagraph 5., employees and contracted personnel must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the private school shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for national processing, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 5.~~

(p) Require each owner or operator of the private school, prior to employment or engagement to provide services, to undergo ~~level 2~~ background screening as provided in s. 1012.315 ~~under chapter 435~~. For purposes of this paragraph, the term "owner or operator" means an owner, an operator, a superintendent, or a principal of, or a person with equivalent decisionmaking authority over, a private school participating in

a scholarship program established pursuant to this chapter. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and may be taken by an authorized law enforcement agency or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. ~~The owner or operator shall provide a copy of the results of the state and national criminal history check to the Department of Education.~~ The cost of the background screening may be borne by the owner or operator.

~~1. Every 5 years following employment or engagement to provide services, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the owner or operator shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 2., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the owner or operator shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2.~~

~~2. Fingerprints submitted to the Department of Law Enforcement as required by this paragraph must be retained by the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). The fingerprints must thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.~~

~~3. The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 2. Any arrest record that is identified with an owner's or operator's fingerprints must be reported to the owner or operator, who must report to the Department of Education. Any costs associated with the search shall be borne by the owner or operator.~~

~~4. An owner or operator who fails the level 2 background screening is not eligible to participate in a scholarship program under this chapter.~~

1.~~5.~~ In addition to the offenses listed in s. 435.04, a person required to undergo background screening pursuant to this part or authorizing statutes may not have an arrest awaiting final disposition for, must not have been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, and must not have been adjudicated delinquent for,

and the record must not have been sealed or expunged for, any of the following offenses or any similar offense of another jurisdiction:

a. Any authorizing statutes, if the offense was a felony.

b. This chapter, if the offense was a felony.

c. Section 409.920, relating to Medicaid provider fraud.

d. Section 409.9201, relating to Medicaid fraud.

e. Section 741.28, relating to domestic violence.

f. Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

g. Section 817.234, relating to false and fraudulent insurance claims.

h. Section 817.505, relating to patient brokering.

i. Section 817.568, relating to criminal use of personal identification information.

j. Section 817.60, relating to obtaining a credit card through fraudulent means.

k. Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

l. Section 831.01, relating to forgery.

m. Section 831.02, relating to uttering forged instruments.

n. Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

o. Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

p. Section 831.30, relating to fraud in obtaining medicinal drugs.

q. Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

2.~~6.~~ At least 30 calendar days before a transfer of ownership of a private school, the owner or operator shall notify the parent of each scholarship student.

3.~~7.~~ The owner or operator of a private school that has been deemed ineligible to participate in a scholarship program pursuant to this chapter may not transfer ownership or management authority of the school to a relative in order to participate in a scholarship program as the same school or a new school. For purposes of this subparagraph, the term "relative" means father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

The department shall suspend the payment of funds to a private

school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 21. Subsection (4) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who~~, for any of the prekindergarten programs listed in s. 1002.53(3),~~ has not completed any of the prekindergarten programs listed in s. 1002.53(3) ~~more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66,~~ may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause must ~~shall~~ be issued in accordance with the department's uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not ~~substantially~~ completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, unless the child is granted a good cause exemption under this subsection. The department shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a)~~, whether a child has substantially completed a program under paragraph (b),~~ and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

Section 22. Effective October 1, 2025, subsections (6) and (13) of section 1002.81, Florida Statutes, are amended, and paragraph (g) is added to subsection (1) of that section, to read:

1002.81 Definitions.—Consistent with the requirements of 45 C.F.R. parts 98 and 99 and as used in this part, the term:

(1) "At-risk child" means:

(g) A child in the custody of and in residence with a parent who is receiving comprehensive services with a licensed residential behavioral health treatment center with an onsite child care facility.

(6) "Economically disadvantaged" means having a family income that does not exceed 55 percent of the state median income ~~150 percent of the federal poverty level~~ and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(13) "Single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program or the Voluntary Prekindergarten Education Program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through a website, and that uses a uniform waiting list to track ~~eligible~~ children waiting for enrollment in the school readiness program based on family household income and the priorities established under s. 1002.87.

Section 23. Effective October 1, 2025, paragraph (f) of subsection (2) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

(f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the department:

1. Shall adopt specific program support services that address the state's school readiness program, including:

a. Statewide data information program requirements that include:

(I) Eligibility requirements.

(II) Financial reports.

(III) Program accountability measures.

(IV) Child progress reports.

b. Child care resource and referral services.

c. A single point of entry and uniform waiting list that tracks children waiting for school readiness program services based on family household income and the priorities established under s. 1002.87.

2. May provide technical assistance and guidance on additional support services to complement the school readiness program, including:

a. Warm-Line services.

b. Anti-fraud plans.

c. Training and support for parental involvement in children's early education.

d. Family literacy activities and services.

Section 24. Effective October 1, 2025, subsection (2) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(2) Establish a uniform waiting list to track ~~eligible~~ children waiting for enrollment in the school readiness program based on family household income and the priorities established under s. 1002.87 and in accordance with rules adopted by the State Board of Education.

Section 25. Effective October 1, 2025, paragraph (b) of subsection (2) and subsection (5) of section 1002.85, Florida Statutes, are amended to read:

1002.85 Early learning coalition plans.—

(2) Each early learning coalition must submit a school readiness program plan every 3 years to the department before the expenditure of funds. A coalition may not implement its school readiness program plan until it receives approval from the department. A coalition may not implement any revision to its school readiness program plan until the coalition submits the revised plan to and receives approval from the department. If the department rejects a plan or revision, the coalition must continue to operate under its previously approved plan. The plan must include, but is not limited to:

(b) The coalition's procedures for implementing the

requirements of this part, including:

1. Single point of entry.

2. Uniform waiting list that tracks children waiting for school readiness program services based on family household income and the priorities established under s. 1002.87.

3. Eligibility and enrollment processes and local eligibility priorities for children pursuant to s. 1002.87.

4. Parent access and choice.

5. Sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(9).

6. Use of preassessments and postassessments, as applicable.

7. Use of contracted slots, as applicable, based on the results of the assessment required under paragraph (i).

(5) The department shall collect and report data on coalition delivery of early learning programs. Elements shall include, but are not limited to, measures related to progress towards reducing the number of children on the waiting list, the percentage of children served by the program as compared to the number of administrative staff and overhead, the percentage of children served compared to total number of children under the age of 5 years below 55 percent of the state median income ~~150 percent of the federal poverty level~~, provider payment processes, fraud intervention, child attendance and stability, use of child care resource and referral, and kindergarten

readiness outcomes for children in the Voluntary Prekindergarten Education Program or the school readiness program upon entry into kindergarten. The department shall request input from the coalitions and school readiness program providers before finalizing the format and data to be used. The report shall be implemented beginning July 1, 2014, and results of the report must be included in the annual report under s. 1002.82.

Section 26. Effective October 1, 2025, paragraph (a) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by the early learning coalitions in accordance with this part and the General Appropriations Act.

(a) School readiness program allocation.—If the annual allocation for the school readiness program is not determined in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, it shall be determined as follows:

1. For each county in the early learning coalition, the total number of unweighted full-time equivalent school readiness children, as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), which shall consider the historical trend of children served and population changes for

each county, shall be multiplied by the appropriate care level factor to calculate the weighted full-time equivalent school readiness children. For purposes of this subparagraph, the term "care level factor" means the adjustment made based on the relative differences in reimbursement rates associated with the eligible school readiness children pursuant to s. 1002.87.

2. The total weighted full-time equivalent school readiness children shall be multiplied by the rate index to calculate the adjusted weighted full-time equivalent school readiness children. For purposes of this subparagraph, the term "rate index" means the adjustment made based on the impact of geographic location on reimbursement rates.

3. The school readiness program funds shall be distributed based on each county's proportionate share of the total adjusted weighted full-time equivalent school readiness children.

Section 27. Subsection (2) of section 1003.05, Florida Statutes, is amended to read:

1003.05 Assistance to transitioning students from military families.—

(2) The Department of Education shall facilitate the development and implementation of memoranda of agreement between school districts and military installations which address strategies for assisting students who are the children of active duty military personnel in the transition to Florida schools.

(a) The strategies developed by the department must

include the development and implementation of a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school.

(b) The department shall provide the training module required under paragraph (a) to each district school board to provide to each public and charter K-12 school within its district. The district school board shall make the training available to employees who work directly with military students and families.

Section 28. Subsection (3) of section 1003.41, Florida Statutes, is amended to read:

1003.41 State academic standards.—

(3) The Commissioner of Education shall, as deemed necessary, develop and submit proposed revisions to the standards for review and comment by Florida educators, school administrators, representatives of the Florida College System institutions and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education and careers, a representative from the Department of Commerce, business and industry leaders for in-demand careers, and the public. The commissioner, after considering reviews and comments, shall submit the proposed revisions to the State Board of Education for adoption. New and revised standards documents submitted for approval to the state board must consist only of academic standards and benchmarks.

The commissioner shall revise all currently approved standards documents based on the requirements of this subsection and submit all revised standards documents to the state board for approval no later than July 1, 2026.

Section 29. Paragraph (a) of subsection (2) of section 1003.4201, Florida Statutes, is amended to read:

1003.4201 Comprehensive system of reading instruction.—Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.

(2)(a) Components of the reading instruction plan may include the following:

1. Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day.

2. Highly qualified reading coaches, who must be endorsed in reading, to specifically support classroom teachers in making instructional decisions based on progress monitoring data collected pursuant to s. 1008.25(9) and improve classroom teacher delivery of effective reading instruction, reading intervention, and reading in the content areas based on student need.

3. Professional learning to help instructional personnel

and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

4. Summer reading camps, using only classroom teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(8)(b)3., for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by district and state assessments.

5. Intensive reading interventions, which must be delivered by instructional personnel who possess a micro-credential as defined in s. 1003.485(1) or are certified or endorsed in reading as provided in s. 1012.586 and must incorporate evidence-based strategies identified by the Just Read, Florida! office pursuant to s. 1001.215(7). Instructional personnel who possess a micro-credential as defined in s. 1003.485(1) and are delivering intensive reading interventions must be supervised by an individual certified or endorsed in reading. For the purposes of this subparagraph, the term "supervised" means that instructional personnel with a micro-credential are able, through telecommunication or in person, to communicate and consult with, and receive direction from, certified or endorsed personnel. Incentives for instructional personnel and certified prekindergarten teachers funded in the

Florida Education Finance Program who possess a reading certification or endorsement as specified in s. 1012.586 or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.

6. Tutoring in reading.

7. A description of how the district prioritizes the assignment of highly effective teachers, as identified in s. 1012.34(2)(e), from kindergarten to grade 2.

Section 30. Paragraph (h) of subsection (3) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2023-2024 school year, each student must earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in all of the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and

credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

14. Costs of postsecondary education, including cost of attendance, completion of the Free Application for Federal Student Aid, scholarships and grants, and student loans.

Section 31. Paragraph (a) of subsection (4) of section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(4) CONTINUED PROGRAM APPROVAL.—Continued approval of a teacher preparation program shall be based upon evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.

(a) The criteria for continued approval must include each

of the following:

1. Candidate readiness based on passage rates on educator certification examinations under s. 1012.56, as applicable.

2. Evidence of performance in each of the following areas:

a. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide assessments using the results of the student learning growth formula adopted under s. 1012.34.

b. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.

c. Workforce contributions, including placement of program completers in instructional positions in Florida public and private schools, with additional weight given to production of program completers in statewide high-demand ~~critical~~ teacher needs ~~shortage~~ areas as identified in s. 1012.07.

3. Results of the program completers' survey measuring their satisfaction with preparation for the realities of the classroom.

4. Results of the employers' survey measuring satisfaction with the program and the program's responsiveness to local school districts.

Section 32. Paragraph (b) of subsection (1) of section 1004.0971, Florida Statutes, is amended to read:

1004.0971 Emergency opioid antagonists in Florida College System institution and state university housing.—

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

(b) "Emergency opioid antagonist" means a ~~naloxone hydrochloride or any similarly acting~~ drug that blocks the effects of opioids administered from outside the body and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

Section 33. Paragraphs (c) and (f) of subsection (1) of section 1005.06, Florida Statutes, are amended to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.—

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:

(c) Any institution that is under the jurisdiction of the Department of Education, eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees, or an institution authorized under s. 1009.521.

(f)1. A nonpublic religious postsecondary educational institution ~~religious college~~ may operate without licensure ~~governmental oversight~~ if the institution ~~college~~ annually verifies by sworn affidavit to the commission each of the

following affirmations ~~that~~:

a.~~1.~~ The name of the institution includes a religious modifier or the name of a religious patriarch, saint, person, or symbol of the church.

b. An explanation of the religious modifier, religious name, or religious symbol used in the institution's name.

c.~~2.~~ The institution offers only educational programs that prepare students for religious vocations as ministers, professionals, or laypersons in the categories of ministry, counseling, theology, education, administration, music, fine arts, media communications, or social work.

d.~~3.~~ The titles of degrees issued by the institution cannot be confused with secular degree titles. For this purpose, each degree title must include a religious modifier that immediately precedes, or is included within, any of the following degrees: Associate of Arts, Associate of Science, Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, Doctor of Philosophy, and Doctor of Education. The religious modifier must be placed on the title line of the degree, on the transcript, and whenever the title of the degree appears in official school documents or publications.

e. The titles and majors of every degree program offered by the institution as they appear on degrees and transcripts issued by the institution.

f.~~4.~~ The duration of all degree programs offered by the

institution is consistent with the standards of the commission.

g.~~5.~~ The institution's consumer practices are consistent with those required by s. 1005.04.

2. If requested by the commission, the institution must submit documentation demonstrating compliance with the requirements of this paragraph and with s. 1005.04. The institution shall submit such documentation within 30 days after the request.

3. The commission shall review for approval or denial, in a public meeting, affidavits submitted pursuant to this paragraph. The commission shall approve an affidavit unless the affidavit is facially invalid, the affidavit is contradicted by the institution's public advertisements or by other evidence, or the institution has failed to comply with the requirements of subparagraph 2. The commission may provide such a religious institution a letter stating that the institution has met the requirements of state law and is not subject to licensure by the commission ~~governmental oversight~~.

a. If a nonpublic religious postsecondary educational institution that has been issued a written notice of exemption from licensure by the commission subsequently fails to comply with the requirements of this paragraph, the commission must revoke its approval of the institution's affidavit in a public meeting.

b. If an affidavit is denied by the commission, the

commission may take any of the actions specified in s. 1005.38 unless the institution applies for a license pursuant to s. 1005.31(1)(a), ceases operating in this state, or submits documentation indicating compliance with this paragraph.

c. The commission may adopt rules to administer this paragraph.

Section 34. Paragraph (a) of subsection (1) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.—

(1)(a)1. Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the principal's designee must give full consideration to the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision

regarding student referral for discipline.

2. If the disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive behavior continues, the school principal must refer the case to the school's child study team to schedule a meeting with the parent to identify potential remedies.

3. If an initial meeting with the student's parent does not resolve the behavioral issues, the child study team must implement the following:

a. Frequent attempts by the school, including the student's teacher and a school administrator, at communicating with the student's family. The attempts may be made in writing or by telephone, but must be documented.

b. A student evaluation for alternative education programs.

c. Behavior contracts.

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or a recommendation for filing a petition for a child in need of services pursuant to s. 984.15.

Section 35. Subsection (3) of section 1006.13, Florida Statutes, is amended to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(3)(a) Zero-tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

1.~~(a)~~ Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

2.~~(b)~~ Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

(b) District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

(c) Before the expiration of an expulsion period, the district school superintendent shall determine, based upon the determination of the threat management team, whether the expulsion period should be extended and, if the expulsion period is extended, what educational services will be provided. A recommendation to extend the expulsion period must be provided to the student and his or her parents in accordance with s. 1006.08(1).

Section 36. Effective upon becoming a law, paragraph (b) of subsection (1) of section 1007.27, Florida Statutes, is amended, and paragraph (d) is added to subsection (2) of that section, to read:

1007.27 Articulated acceleration mechanisms.—

(1)

(b) The State Board of Education and the Board of Governors shall identify Florida College System institutions, ~~and~~ state universities, and national consortia to develop courses that align with s. 1007.25 for students in secondary education and—provide the training required under s. 1007.35(6).

(2)

(d) The department may join or establish a national consortium as an alternative method to develop and implement advanced placement courses that align with s. 1007.25.

Section 37. Subsection (5), paragraph (j) of subsection (6), and subsection (8) of section 1007.35, Florida Statutes,

are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), Classic Learning Test 10 (CLT10), or ~~the~~ PreACT to all enrolled 10th grade students. However, a written notice must ~~shall~~ be provided to each parent which must include the opportunity to exempt his or her child from taking the PSAT/NMSQT, CLT10, or ~~the~~ PreACT.

(a) Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in advanced high school courses.

(b) Funding for the PSAT/NMSQT, CLT10, or ~~the~~ PreACT for all 10th grade students is ~~shall be~~ contingent upon annual funding in the General Appropriations Act.

(c) Public school districts shall ~~must~~ choose either the PSAT/NMSQT, CLT10, or ~~the~~ PreACT for districtwide administration.

(6) The partnership shall:

(j) Provide information to students, parents, teachers,

counselors, administrators, districts, Florida College System institutions, and state universities regarding the PSAT/NMSQT, CLT10, or ~~the~~ PreACT administration, including, but not limited to:

1. Test administration dates and times.

2. That participation in the PSAT/NMSQT, CLT10, or ~~the~~ PreACT is open to all 10th grade students.

3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on advanced course examinations.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in the 10th grade PSAT/NMSQT, CLT10, or ~~the~~ PreACT testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

(b) The department shall contribute to the evaluation process by providing access, consistent with s. 119.071(5)(a), to student and teacher information necessary to match against databases containing teacher professional learning data and databases containing assessment data for the PSAT/NMSQT, SAT, ACT, PreACT, CLT, CLT10, AP, and other appropriate measures. The department shall also provide student-level data on student progress from middle school through high school and into college and the workforce, if available, in order to support longitudinal studies. The partnership shall analyze and report student performance data in a manner that protects the rights of students and parents as required in 20 U.S.C. s. 1232g and s. 1002.22.

Section 38. Paragraph (c) of subsection (6) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

(c) The parent of a student who exhibits a substantial deficiency in mathematics, as described in paragraph (a), must be immediately notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in mathematics, including a description and explanation, in terms understandable to the parent, of the

exact nature of the student's difficulty in learning and lack of achievement in mathematics.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of mathematics deficiency.

4. Strategies, including multisensory strategies and programming, through a home-based plan the parent can use in helping his or her child succeed in mathematics. The home-based plan must provide access to the resources identified in paragraph (d).

5. Information about the student's eligibility for the New Worlds Scholarship Accounts under s. 1002.411 and the school district's tutoring services provided by the New Worlds Tutoring Program under s. 1008.366.

After the initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request

of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification.

Section 39. Paragraph (c) of subsection (8) of section 1008.365, Florida Statutes, is amended to read:

1008.365 Reading Achievement Initiative for Scholastic Excellence Act.—

(8) As part of the RAISE Program, the department shall establish a tutoring program and develop training in effective reading tutoring practices and content, based on evidence-based practices grounded in the science of reading and aligned to the English Language Arts standards under s. 1003.41, which prepares eligible high school students to tutor students in kindergarten through grade 3 in schools identified under this section, instilling in those students a love of reading and improving their literacy skills.

(c) Tutoring may be part of a service-learning course adopted pursuant to s. 1003.497. Students may earn up to three elective credits for high school graduation based on the verified number of hours the student spends tutoring under the program. The hours of volunteer service must be documented in writing, and the document must be signed by the student, the

student's parent or guardian, and an administrator or designee of the school in which the tutoring occurred. The ~~Unpaid~~ hours that a high school student devotes to tutoring may be counted toward meeting community service requirements for high school graduation and community service requirements for participation in the Florida Bright Futures Scholarship Program as provided in s. 1003.497(3)(b). The department shall designate a high school student who provides at least 75 verified hours of tutoring under the program as a New Worlds Scholar and award the student with a pin indicating such designation.

Section 40. Paragraph (b) of subsection (1) and subsection (2) of section 1008.366, Florida Statutes, are amended to read:

1008.366 The New Worlds Tutoring Program.—

(1) The New Worlds Tutoring Program is created to support school districts and schools in improving student achievement in reading and mathematics by:

(b) Providing best practice guidelines for mathematics tutoring in alignment with Florida's Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for mathematics in consultation with the Office of Mathematics and Sciences.

(2) Annually, by August 31 ~~July 1~~, the administrator of the New Worlds Tutoring Program shall provide to the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education a report summarizing school district use of program funds and student academic outcomes as a

result of the additional literacy or mathematics support provided under this section.

Section 41. Paragraph (b) of subsection (3) of section 1009.8962, Florida Statutes, is amended to read:

1009.8962 Linking Industry to Nursing Education (LINE) Fund.—

(3) As used in this section, the term:

(b) "Institution" means a school district career center under s. 1001.44; a charter technical career center under s. 1002.34; a Florida College System institution; a state university; an independent nonprofit college or university located and chartered in this state and accredited by an agency or association that is recognized by the database created and maintained by the United States Department of Education to grant baccalaureate degrees; or an independent school, college, or university with an accredited program as defined in s. 464.003 which is located in this state and licensed by the Commission for Independent Education pursuant to s. 1005.31, or an institution authorized under s. 1009.521, which has a nursing education program that meets or exceeds the following:

1. For a certified nursing assistant program, a completion rate of at least 70 percent for the prior year.

2. For a licensed practical nurse, associate of science in nursing, and bachelor of science in nursing program, a first-time passage rate on the National Council of State Boards of

Nursing Licensing Examination of at least 75 percent for the prior year based on a minimum of 10 testing participants.

Section 42. Section 1011.58, Florida Statutes, is repealed.

Section 43. Section 1011.59, Florida Statutes, is repealed.

Section 44. Paragraph (b) of subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) A school district may expend, subject to s. 200.065, up to $200 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(b), (d), (f), (g), (h), and (m) ~~s. 624.605(1)(d), (f), (g), (h), and (m)~~. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 45. Section 1012.07, Florida Statutes, is amended

to read:

1012.07 Identification of high-demand ~~critical~~ teacher needs ~~shortage~~ areas.—The term "high-demand ~~critical~~ teacher needs ~~shortage~~ area" means high-need content areas and high-priority location areas identified by the State Board of Education. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to annually identify high-demand ~~critical~~ teacher needs ~~shortage~~ areas. The state board must consider current and emerging educational requirements and workforce demands in determining high-demand ~~critical~~ teacher needs ~~shortage~~ areas. School grade levels may also be designated critical teacher shortage areas. Individual district school boards may identify and submit other high-demand ~~critical~~ teacher needs ~~shortage~~ areas. Such submissions must be aligned to current and emerging educational requirements and workforce demands in order to be approved by the State Board of Education. High-priority location areas must be in high-density, low-economic urban schools; low-density, low-economic rural schools; and schools that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34. The State Board of Education shall develop strategies to address high-demand ~~critical~~ teacher needs ~~shortage~~ areas.

Section 46. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the

district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) *Compensation and salary schedules.*—

1. Definitions.—As used in this paragraph:

a. "Adjustment" means an addition to the base salary schedule that is not a bonus and becomes part of the employee's permanent base salary and shall be considered compensation under s. 121.021(22).

b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.

c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.

d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.

e. "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel.

f. "School administrator" means a school administrator as defined in s. 1012.01(3)(c).

g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:

a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.

b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

3. Advanced degrees.—A district school board may use advanced degrees in setting a salary schedule for instructional personnel or school administrators if the advanced degree is held in the individual's area of certification.

4. Grandfathered salary schedule.—

a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if

the employee relinquishes such contract and agrees to be employed on an annual contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, high-demand teacher needs ~~critical shortage~~ areas, and level of job performance difficulties.

5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for

this purpose.

a. Base salary.—The base salary shall be established as follows:

(I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

(II) Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same

classification.

(III) A salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:

(I) Assignment to a Title I eligible school.

(II) Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.

(III) Certification and teaching in high-demand ~~critical~~ teacher needs ~~shortage~~ areas. Statewide high-demand ~~critical~~ teacher needs ~~shortage~~ areas shall be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of high-demand needs ~~critical shortage~~ within the school district for purposes of this sub-sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.

(IV) Assignment of additional academic responsibilities.

If budget constraints in any given year limit a district school board's ability to fully fund all adopted salary schedules, the

performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the district. Any compensation for longevity of service awarded to instructional personnel who are on any other salary schedule must be included in calculating the salary adjustments required by sub-subparagraph b.

Section 47. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Screening standards.—

(1) A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002, which includes being an owner or operator of a private school that participates in a scholarship program under chapter 1002, if the person:

(a) ~~(1)~~ Is on the disqualification list maintained by the department under s. 1001.10(4)(b);

(b) ~~(2)~~ Is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C);

(c) ~~(3)~~ Is ineligible based on a security background investigation under s. 435.04(2). ~~Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration,~~ The Agency for Health Care Administration shall

determine the eligibility of employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002;

(d) ~~(4)~~ Would be ineligible for an exemption under s. 435.07(4)(c); or

(e) ~~(5)~~ Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:

1. ~~(a)~~ Any criminal act committed in another state or under federal law which, if committed in this state, constitutes a disqualifying offense under s. 435.04(2).

2. ~~(b)~~ Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

(2) Persons who apply for certification or employment are governed by the law and rules in effect at the time of application for issuance of the initial certificate or employment, provided that continuity of certificates or employment is maintained.

Section 48. Section 1012.77, Florida Statutes, is amended to read:

1012.77 Christa McAuliffe Ambassador for Education

Program.—

(1) ~~The Legislature recognizes that Florida continues to face teacher shortages and that fewer young people consider teaching as a career.~~ It is the intent of the Legislature to promote the positive and rewarding aspects of being a teacher, to encourage more individuals to become teachers, and to provide annual sabbatical support for outstanding Florida teachers to serve as goodwill ambassadors for education. The Legislature further wishes to honor the memory of Christa McAuliffe, who epitomized the challenge and inspiration that teaching can be.

(2) The Christa McAuliffe Ambassador for Education Program is established to provide salary, travel, and other related expenses annually for an outstanding Florida teacher to promote the positive aspects of teaching as a career. The goals of the program are to:

(a) Enhance the stature of teachers and the teaching profession.

(b) Promote the importance of quality education and teaching for our future.

(c) Inspire and attract talented people to become teachers.

(d) Provide information regarding Florida's scholarship and loan programs related to teaching.

(e) Promote the teaching profession within community and business groups.

(f) Provide information to retired military personnel and other individuals who might consider teaching as a second career.

(g) Work with and represent the Department of Education, as needed.

(h) Work with and encourage the efforts of school and district teachers of the year.

(i) Support the activities of the Florida Future Educator of America Program.

(j) Represent Florida teachers at business, trade, education, and other conferences and meetings.

(k) Promote the teaching profession in other ways related to the teaching responsibilities, background experiences, and aspirations of the Ambassador for Education.

(3) The Teacher of the Year shall serve as the Ambassador for Education. If the Teacher of the Year is unable to serve as the Ambassador for Education, the first runner-up shall serve in his or her place. The Department of Education shall establish application and selection procedures for determining an annual teacher of the year. Applications and selection criteria shall be developed and distributed annually by the Department of Education to all eligible entities identified in subsection (4) ~~school districts~~. The Commissioner of Education shall establish a selection committee which assures representation from teacher organizations, administrators, and parents to select the Teacher

of the Year and Ambassador for Education from among the district teachers of the year.

(4) Eligible entities to submit to the Department of Education a nominee for the Teacher of the Year and Ambassador for Education are:

(a) Florida school districts, including lab schools as defined in s. 1002.32.

(b) Charter school consortia with at least 30 member schools and an approved professional learning system on file with the department.

(5)(a) ~~(4)(a)~~ The Commissioner of Education shall pay an annual salary, fringe benefits, travel costs, and other costs associated with administering the program.

(b) The Ambassador for Education shall serve for 1 year, from July 1 to June 30, and shall be assured of returning to his or her teaching position upon completion of the program. The ambassador will not have a break in creditable or continuous service or employment for the period of time in which he or she participates in the program.

Section 49. Subsection (3) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(3) Each university board of trustees shall prepare and adopt a campus master plan for the university and maintain a

copy of the plan on the university's website. The master plan must identify general land uses and address the need for and plans for provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space during the coming 10 to 20 years. The plans must contain elements relating to future land use, intergovernmental coordination, capital improvements, recreation and open space, general infrastructure, housing, and conservation. Each element must address compatibility with the surrounding community. The master plan must identify specific land uses, general location of structures, densities and intensities of use, and contain standards for onsite development, site design, environmental management, and the preservation of historic and archaeological resources. The transportation element must address reasonable transportation demand management techniques to minimize offsite impacts where possible. Data and analyses on which the elements are based must include, at a minimum: the characteristics of vacant lands; projected impacts of development on onsite and offsite infrastructure, public services, and natural resources; student enrollment projections; student housing needs; and the need for academic and support facilities. Master plans must be updated at least every 10 ~~5~~ years.

Section 50. Paragraph (b) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program;

student eligibility requirements for initial awards.—

(1) In order to be eligible for an initial award from any of the scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high school equivalency diploma pursuant to s. 1003.435 unless:

1. The student completes a home education program according to s. 1002.41;

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on, or, within 12 months before the student's high school graduation, has retired from, military or public service assignment away from Florida; or

3. The student earns a high school diploma from a Florida private school operating pursuant to s. 1002.42.

Section 51. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2025.

Committee on Community Affairs

CS/CS/SB 1730 — Affordable Housing

by Rules Committee; Community Affairs Committee; and Senator Calatayud

The bill amends various provisions of the Live Local Act, passed during the 2023 Regular Session, related to the preemption of certain zoning and land use regulations to authorize affordable housing developments. Specifically, the bill:

- Clarifies the application of the zoning preemption by defining "commercial," "industrial," and "mixed-use," and providing that the preemption applies in areas such as planned unit developments with different zoning;
- Prohibits local governments from requiring transfer of density or development units or amendments to developments of regional impact before allowing development;
- Prohibits local governments from requiring a certain amount of residential usage in mixed-use developments;
- Clarifies the nature of administrative approval of affordable housing developments;
- Defines a "story" for purposes of municipalities located in an area of critical state concern;
- Allows local governments to restrict height and regulate architectural design for developments in historic districts for structures listed in the National Register for Historic Places before January 1, 2020;
- Requires local governments to administratively approve the demolition of an existing structure associated with a proposed development;
- Requires local governments to reduce parking requirements by 15 percent, as opposed to "considering" such reduction, as provided in current law;
- Provides for priority docketing and prevailing party attorneys' fees and costs, up to $250,000, in lawsuits brought under the Live Local Act;
- Authorizes a local government to include an adjacent parcel of land to be included in a project authorized under the Live Local Act;
- Provides that the Live Local Act does not apply in the Wekiva Study Area or Everglades Protection Area;
- Prohibits local governments from enforcing building moratoria that would have the effect of delaying the permitting or construction of affordable housing developments, except in certain circumstances, and authorizes civil action for violation of this prohibition, including award of prevailing party attorneys' fees and costs up to $250,000; and
- Requires annual reporting beginning November 1, 2026, of litigation related to and projects proposed or approved under the Live Local Act.

The bill provides that an applicant in the process of utilizing the Live Local Act prior to the amendments may opt to utilize the law as it existed upon their initial application.

Outside of the Live Local Act, the bill also authorizes local governments to approve affordable housing development on land owned by a religious institution containing a house of worship regardless of underlying zoning.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

The bill enacts a state policy related to support public sector, health care facility, and hospital employer-sponsored housing to meet a federal requirement related to tax-advantaged funding.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.
Vote: Senate 37-0; House 105-0

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; authorizing the board of county commissioners and the governing board of a municipality, respectively, to approve the development of housing that is affordable, including mixed-use residential, on any parcel owned by religious institutions; requiring counties and municipalities to authorize multifamily and mixed-use residential as allowable uses in portions of flexibly zoned areas under certain circumstances; prohibiting counties and municipalities from imposing certain requirements on proposed multifamily developments; prohibiting counties and municipalities from requiring that more than a specified percentage of a mixed-use residential project be used for certain purposes; revising the density, floor area ratio, or height below which counties and municipalities may not restrict certain developments; defining the term "highest currently allowed, or allowed on July 1, 2023"; revising the definition of the term "floor area ratio"; authorizing counties and municipalities to restrict the height of proposed developments on certain parcels with structures or buildings listed in the National Register of Historic Places; requiring the administrative approval of certain proposed developments without further action by a quasi-judicial or administrative board or reviewing body under certain circumstances; defining the term

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

"allowable density"; requiring the administrative approval of the demolition of an existing structure associated with a proposed development in certain circumstances; providing construction; authorizing counties and municipalities to administratively require that certain proposed developments comply with architectural design regulations under certain circumstances; requiring counties and municipalities to reduce parking requirements by a specified percentage for certain proposed developments under certain circumstances; authorizing counties and municipalities to allow adjacent parcels of land to be included within certain proposed developments; requiring a court to give priority to and render expeditious decisions in certain civil actions; requiring a court to award reasonable attorney fees and costs to a prevailing party in certain civil actions; providing that such attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or costs; defining terms; revising applicability; prohibiting counties and municipalities from enforcing certain building moratoriums; providing an exception, subject to certain requirements; requiring the court to assess and award reasonable attorney fees and costs to the prevailing party in certain civil actions; providing that such attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

costs; providing applicability; providing annual reporting requirements beginning on specified dates; authorizing applicants for certain proposed developments to notify the county or municipality, as applicable, by a specified date of its intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; creating s. 420.5098, F.S.; providing legislative findings and intent; defining terms; providing that it is the policy of the state to support housing for certain employees and to allow developers in receipt of certain tax credits and funds to create a specified preference for housing certain employees; requiring that such preference conform to certain requirements; providing an effective date.

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

Section 1. Subsection (6) and paragraphs (a) through (f), (k), and (l) of subsection (7) of section 125.01055, Florida Statutes, are amended, new paragraphs (k) through (n) are added to subsection (7), and subsections (9) and (10) are added to that section, to read:

125.01055 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as

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defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The county may not require that more than 10 percent of the total square footage of such

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mixed-use residential projects be used for nonresidential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development. For purposes of this paragraph, "highest currently allowed, or allowed on July 1, 2023," means whichever is least restrictive at the time of development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot

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ratio and lot coverage.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places

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before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(e)1. A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For purposes of this subparagraph, the term "allowable density" means the density prescribed for the property in accordance with this subsection without additional requirements to procure and

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transfer density units or development units from other properties.

2. The county must administratively approve the demolition of an existing structure associated with a proposed development under this subsection, without further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, of density of the proposed development.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 15 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development; ~~.~~

~~2. A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major

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transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or ~~and~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) The court shall give any civil action filed against a county for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(m) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An

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award of reasonable attorney fees or costs pursuant to this subsection may not exceed $250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but

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is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(o)~~(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

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3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(p) ~~(1)~~ This subsection expires October 1, 2033.

(9)(a) Except as provided in paragraphs (b) and (d), a county may not enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A county may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the county shall prepare or cause to be prepared an assessment of the county's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the county's website by the date the notice of proposed enactment is published, and presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 125.66(3).

(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $250,000. In addition, a prevailing party may not recover any attorney fees or costs directly

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incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning November 1, 2026, each county must provide an annual report to the state land planning agency which includes:

1. A summary of litigation relating to subsection (7) that was initiated, remains pending, or was resolved during the previous fiscal year.

2. A list of all projects proposed or approved under subsection (7) during the previous fiscal year. For each project, the report must include, at a minimum, the project's size, density, and intensity and the total number of units proposed, including the number of affordable units and associated targeted household incomes.

(b) The state land planning agency shall compile the information received under this subsection and submit the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by February 1.

Section 2. Subsection (6) and paragraphs (a) through (f), (k), and (l) of subsection (7) of section 166.04151, Florida Statutes, are amended, new paragraphs (k) through (n) are added to subsection (7), and subsections (9) and (10) are added to

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that section, to read:

166.04151 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional

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impact, amendment to a municipal charter, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development. For purposes of this paragraph, "highest currently allowed, or allowed on July 1, 2023," means whichever is least restrictive at the time of development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor

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area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio and lot coverage.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph,

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the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(e)1. A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any

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quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For purposes of this paragraph, the term "allowable density" means the density prescribed for the property in accordance with this subsection without additional requirements to procure and transfer density units or development units from other properties.

2. The municipality must administratively approve the demolition of an existing structure associated with a proposed development under this subsection, without further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or

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building individually listed in the National Register of Historic Places, the municipality may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, of density of the proposed development.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements for a proposed development authorized under this subsection by 15 percent if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or~~.~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under

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this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) The court shall give any civil action filed against a municipality for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(m) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants;

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public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable

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uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(o) ~~(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(p) ~~(l)~~ This subsection expires October 1, 2033.

(9)(a) Except as provided in paragraphs (b) and (d), a municipality may not enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A municipality may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-

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year period. Before adoption of such a building moratorium, the municipality shall prepare or cause to be prepared an assessment of the municipality's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed enactment is published and must be presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning November 1, 2026, each municipality must provide an annual report to the state land planning agency which

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includes:

1. A summary of litigation relating to subsection (7) that was initiated, remains pending, or was resolved during the previous fiscal year.

2. A list of all projects proposed or approved under subsection (7) during the previous fiscal year. For each project, the report must include, at a minimum, the project's size, density, and intensity and the total number of units proposed, including the number of affordable units and associated targeted household incomes.

(b) The state land planning agency shall compile the information received under this subsection and submit the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by February 1.

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, a written request, or a notice of intent to use such provisions to the county or municipality and which application, written request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2025, may notify the county or municipality by July 1, 2025, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submitted such application, written request, or notice of intent before July 1, 2025, the opportunity to submit a revised application, written request, or notice of intent to

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account for the changes made by this act.

Section 4. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and hospital employer-sponsored housing policy.—

(1) The Legislature finds that it is in the best interests of the state and the state's economy to provide affordable housing to state residents employed by hospitals, health care facilities, and governmental entities in order to attract and maintain the highest quality labor by incentivizing such employers to sponsor affordable housing opportunities. Section 42(g)(9)(B) of the Internal Revenue Code provides that a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group. Therefore, it is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for employees of hospitals, health care facilities, and governmental entities.

(2) For purposes of this section, the term:

(a) "Governmental entity" means any state, regional, county, local, or municipal governmental entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of the state; any public school, state university, or Florida College System institution; or any special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as provided

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in s. 159.27(16).

(c) "Hospital" means a hospital under chapter 155, a hospital district created pursuant to chapter 189, or a hospital licensed pursuant to chapter 395, including corporations not for profit that are qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities.

(3) It is the policy of the state to support housing for employees of hospitals, health care facilities, and governmental entities and to allow developers in receipt of federal low-income housing tax credits allocated pursuant to s. 420.5099, local or state funds, or other sources of funding available to finance the development of affordable housing to create a preference for housing for such employees. Such preference must conform to the requirements of s. 42(g)(9) of the Internal Revenue Code.

Section 5. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.