



MUNICIPAL OPERATIONS COMMITTEE

**Friday, September 26, 2025
10:00 a.m. – 2:00 p.m. ET**

**Meeting Room: Orange Ballroom D
Hilton Orlando
6001 Destination Parkway
Orlando, FL 32819**

FLC Staff Contact: Sam Wagoner



..... FLORIDA LEAGUE OF CITIES



Agenda



Municipal Operations Legislative Policy Committee
Friday, September 26, 2025, from 10:00 a.m. to 2:00 p.m.
Hilton Orlando – Meeting Room: Orange Ballroom D
6001 Destination Parkway, Orlando, Florida

AGENDA

- I.** Introduction and Opening Remarks..... **Chair Mac Fuller**
Mayor, City of Lake Alfred
- II.** [FLC Policy Committee Process for 2025-2026](#)..... **Sam Wagoner, FLC Staff**
- III.** Potential 2026 Priority and Policy Issues **Sam Wagoner, FLC Staff**
 - a. Sovereign Immunity **Sam Wagoner, FLC Staff**
 - b. Interoperable Emergency Communications **Frank Babinec**
Retired Fire Chief & Retired City Manager, City of Coral Springs
 - c. Chapter 419: Community Residences, Recovery Communities, and Congregate Living
Facilities..... **Al Johnson**
Chief Asst. State Attorney for the 15th Judicial Circuit
Terrill Pyburn
City Attorney, City of Coconut Creek
 - d. Increasing the Competitive Bid Threshold for Public Works Projects..... **McLane Evans**
Assistant City Attorney, City of Tampa
 - e. Public Records Exemption for City Clerks & Staff..... **Elizabeth Garcia-Beckford**
City Clerk, City of Wilton Manors
- IV.** Additional Information **Chair Mac Fuller**
Mayor, City of Lake Alfred
 - a. Key Legislative Dates
 - b. Key Contacts – Click [HERE](#) to sign-up
 - c. [2025 Legislative Session Final Report](#)
- V.** Closing Remarks **Chair Mac Fuller**
Mayor, City of Lake Alfred
- VI.** Adjournment

Breakfast and Lunch provided by the Florida League of Cities

Wi-Fi is Available
Network: FLCPC0925
Access Code: FLCPC0925



Committee Roster



2025-2026 Legislative Policy Committee Municipal Operations

Staffed by: Sam Wagoner, Legislative Advocate

CHAIR:

The Honorable Mac Fuller

Mayor, City of Lake Alfred

VICE CHAIR:

The Honorable Shannon Hayes

Councilmember, City of Crestview

MEMBERS:

The Honorable Santiago Avila

Mayor, City of Deltona

The Honorable Gary Ball

Commissioner, City of Bartow

The Honorable Kyle Battie

Commissioner, City of Sarasota

Brian Benton

City Manager, City of Sebastian

The Honorable Allyson Berry

Commissioner, City of Leesburg

The Honorable Amit Bloom

Commissioner, City of Aventura

PaulMarie Bobb

Assistant City Attorney, City of North Miami

Jacqueline Borja

Town Clerk, Town of Lake Hamilton

Sammie Brown

Deputy Town Clerk, Town of Loxahatchee Groves

Patricia Burke

Town Clerk-Manager, Town of Palm Shores

The Honorable Jacob Burnett

Commissioner, City of Safety Harbor

The Honorable Ricky Butler

Councilmember, City of Pinellas Park

Rosemarie Call

City Clerk, City of Clearwater

Kristina Ciuperger

Assistant City Manager, City of Port St. Lucie

Linda Cox

City Clerk, City of Fort Pierce

The Honorable Michael Cox

Council Vice President, City of Williston

Robert Daniels

Town Manager, Town of Sewall's Point

Keith Davis

Attorney, Davis & Associates, P.A.

The Honorable Paul Diaz

Commissioner, City of Winter Springs

Chief Darrel Donatto

Fire Chief, Town of Jupiter

The Honorable William Dugard

Commissioner, City of Dunedin

The Honorable David Duval

Commissioner, City of North Port

The Honorable Nancy Early

Councilmember, City of Gulfport

Dr. Brenda Fettrow

City Manager, City of Rockledge

The Honorable Sam Fite

Mayor, City of Bowling Green

Amber Ford

Deputy Clerk, City of Fort Walton
Beach

The Honorable Jayson French

Councilmember, Village of Tequesta

Elizabeth Garcia-Beckford

City Clerk, City of Wilton Manors

Donna Gardner

City Clerk, City of Casselberry

The Honorable Charlotte Gillis

Vice Mayor, City of Edgewater

Kimberly Glas-Castro

Assistant Village Manager, Village of
Palm Springs

The Honorable Erik Gleason

Councilman, City of Westlake

The Honorable Sandy Golding

Councilmember, City of Jacksonville
Beach

Christian Gowan

City Clerk, City of Winter Springs

Chelsea Granell

Governmental Affairs Director, City of
Coral Gables

Angelia Guy

City Clerk, City of Dade City

Leslie Guyer

City Clerk, City of Gulf Breeze

Chevelle Hall

Village Clerk, Village of Wellington

The Honorable Phyllis Hall

Mayor, Town of Lake Hamilton

Christopher Hawks

Intergovernmental Relations
Coordinator, City of Largo

Julie A. Hennessy

City Clerk, City of DeLand

Chief Joseph Hightower

Fire Chief, City of Mount Dora Fire
Department

The Honorable Michael Holland

Commissioner, City of Eustis

Traci Houchin

City Clerk, City of Sanford

The Honorable Anne Huffman

Commissioner, City of Haines City

Nzeribe Ihekwaba

City Manager, City of Homestead

Sabrina Javellana

Commission Assistant, City of Fort
Lauderdale

The Honorable Lewrissa Johns

Mayor, City of Chiefland

The Honorable Christopher Johnson

Commissioner, City of Largo

Jennifer Jorgensen

Director of Governmental Affairs, City
of Sarasota

The Honorable Bridget Keating

Mayor, Town of Lake Clarke Shores

The Honorable Barbara King

Commissioner, City of South Bay

**The Honorable NanDrycka King
Albert**

Mayor Pro Tem, City of Midway

The Honorable Thomas Kirk
Commissioner, City of Casselberry

Marshall Labadie
Town Manager, Town of Highland Beach

The Honorable William Laurie
Vice Mayor, City of Crescent City

Sharon Lauther
City Clerk, City of Haines City

Austin Lee
Director of Communications, City of Greenacres

The Honorable Jason Leslie
Mayor, City of Ormond Beach

Jordan Marlowe
City Manager, City of Newberry

Andrea McCue
City Manager, City of Greenacres

The Honorable Alexis McGuire
Councilmember, City of West Melbourne

The Honorable J.W. McKethan
Councilmember, City of Brooksville

The Honorable Todd McLendon
Councilmember, Town of Loxahatchee Groves

The Honorable Henry Mead
Vice Mayor, City of Weston

The Honorable L. Tracy Mercer
Commissioner, City of Winter Haven

Judy Meyers
City Clerk/Public Information Specialist, City of New Port Richey

The Honorable Nancy Miller
Mayor, City of Daytona Beach Shores

The Honorable KaShamba Miller-Anderson
Councilperson, City of Riviera Beach

Olivia Minshew
City Manager, City of Wauchula

Brian Moree
City Manager, City of Atlantis

The Honorable Janice Mortimer
Vice Mayor, City of Starke

The Honorable Bernard Oder
Mayor Pro Tem, City of Mary Esther

Chief Steve Parker
Chief of Police, City of Davenport

Gwen Peirce
City Clerk, City of Satellite Beach

Richard Reade
Town Manager, Town of Lake Park

The Honorable Mary Richardson
Commissioner, Town of Dundee

Brian Robinson
Deputy City Manager, City of Palm Bay

The Honorable Cal Rolfson
Councilmember, City of Mount Dora

The Honorable Arlene Schwartz
Mayor, City of Margate

The Honorable Alexis Silcox
City Clerk, City of Belleair Bluffs

The Honorable Suzy Sofer
Commissioner, City of Belleair Bluffs

The Honorable Mike Staffopoulos

City Manager, City of Jacksonville
Beach

The Honorable Tracey Stevens

Town Administrator, Town of Haverhill

The Honorable Andrew Thompson

Assistant City Manager, City of
Oakland Park

The Honorable Mary Lou Tighe

Executive Director, Broward League of
Cities

The Honorable Tijauna Warner

Deputy City Clerk, City of LaBelle

The Honorable Shalonda Warren

Commissioner, City of West Palm
Beach

The Honorable Erin West

City Clerk, City of Green Cove Springs

The Honorable Debra Williams

Vice Mayor, Town of Longboat Key

The Honorable Morgan Wilson

Assistant City Manager, City of
Bushnell

The Honorable Brandon Young

Councilman, City of South Daytona



FLC Policy Committee Process for 2025-2026



2025-2026 FLC LEGISLATIVE POLICY PROCESS

The Florida League of Cities' (FLC's) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" refers to issues that directly pertain to the governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and raise and expend revenues. Protecting Florida's cities from egregious, far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Platform. The Legislative Platform addresses priority issues of statewide interest that are most likely to affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and to better understand the impact of League policy proposals on rural, suburban, and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

There are currently five standing legislative policy committees:

DEVELOPMENT, CODE COMPLIANCE, AND REDEVELOPMENT COMMITTEE:

This committee addresses development, redevelopment, housing, community planning, zoning, eminent domain, property rights, short-term rentals, code enforcement, building and fire code, building permitting, and concurrency management.

FINANCE AND TAXATION COMMITTEE: This committee addresses general finance and tax issues, fees, assessments, infrastructure funding, local option revenues, pension issues, revenue sharing, franchise fees, Communications Services Tax (CST), and ad valorem.

INTERGOVERNMENTAL RELATIONS, MOBILITY, AND EMERGENCY

MANAGEMENT COMMITTEE: This committee addresses transportation, municipal roads, traffic safety, municipal airports, drones, vertiports, ports, telecommunications, broadband, use of public rights-of-way, parking, signage, emergency management, homelessness, charter counties, annexation, ethics for public officers and employees, elections, special districts, and general preemptions.





2025-2026 FLC LEGISLATIVE POLICY PROCESS

MUNICIPAL OPERATIONS COMMITTEE: This committee addresses government operations, municipal service delivery, cybersecurity, technology, public safety, public meetings, public records, public property use and management, procurement, personnel, insurance, collective bargaining, workers' compensation, liability, and sovereign immunity.

UTILITIES, NATURAL RESOURCES, AND PUBLIC WORKS COMMITTEE: This committee addresses coastal management, environmental permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management, water quality and quantity, resiliency, brownfields, and municipal utilities.

Due to Sunshine Law issues, only one elected official per city can be represented on a legislative policy committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League president based upon a city official's support and advocacy of the Legislative Platform and participation at meetings, Legislative Action Days, and other legislative-related activities.

The Florida Legislature convenes the 2026 Legislative Session on January 13. The League's legislative policy committee meetings commence in September and meet three times. No new issues will be considered by a legislative policy committee after the second committee meeting. At the last meeting, each of the five policy committees adopts ONE legislative priority. In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant issues. The policy position must satisfy the same criteria for legislative priorities. Priority and policy position statements are capped at 75 words and must embrace a single subject by not combining multiple unrelated issues into one statement. Adhering to these principles ensures clarity, focus, and consistency in the League's advocacy efforts. Recommended legislative priorities and policy positions will be considered by the Legislative Committee. The Legislative Committee may, if necessary, edit statements to ensure compliance with these requirements. If favorably considered by the Legislative Committee, they will be considered by the general membership. If adopted by the general membership, the policy priorities and policy positions may be published as the League's Legislative Platform and communicated to legislators and others, as appropriate.

2025-2026 FLC LEGISLATIVE POLICY PROCESS

The Legislative Committee is composed of:

- ▶ Each legislative policy committee chair and the chairs of the other standing committees
- ▶ The president of each local and regional league
- ▶ The presidents of several other municipal associations
- ▶ Chairs of the municipal trust boards
- ▶ Several at-large members appointed by the League president

2025 Legislative Policy Committee Meeting Dates

- ▶ September 26, 2025, 10:00 a.m. to 2:00 p.m. at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819
- ▶ October 17, 2025, 10:00 a.m. to 2:00 p.m. at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819
- ▶ December 4, 2025, from 10:00 a.m. to 12:00 p.m. during the FLC Legislative Conference at the Renaissance Orlando at SeaWorld, 6677 Sea Harbor Drive, Orlando, FL 32821

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or medenfield@flcities.com.



FREQUENTLY ASKED QUESTIONS: 2025-2026 FLC LEGISLATIVE POLICY PROCESS

What is an FLC legislative policy committee?

- ▶ Policy committees help set the Legislative Platform for the Florida League of Cities (FLC) and Florida's municipalities in advance of the next legislative session.
- ▶ The five policy committees include the Development, Code Compliance, and Redevelopment Committee; Finance and Taxation Committee; Municipal Operations Committee; Intergovernmental Relations, Mobility, and Emergency Management Committee; and Utilities, Natural Resources, and Public Works Committee.
- ▶ Committees are made up of municipal officials from across the state.

When and how do I sign up for a policy committee?

- ▶ Sign-up opens in June each year.
- ▶ To sign up, contact Mary Edenfield at medenfield@flcities.com for the sign-up link or go to flcities.com.
- ▶ The FLC President makes the committee appointments, and appointments are announced in August after the FLC Annual Conference.

Can I serve on more than one policy committee?

- ▶ No. All committees meet simultaneously.

When are the meetings, and is there a virtual option?

- ▶ This year, committee meetings take place in person in Orlando in September, October, and December during the FLC Legislative Conference.
- ▶ There is no virtual meeting option; meetings are in person.



FREQUENTLY ASKED QUESTIONS: 2025-2026 FLC LEGISLATIVE POLICY PROCESS

How do I submit a policy issue for a committee to consider?

- ▶ If you want a committee to consider an issue as a League priority, contact the committee staff person before the September or October policy committee meeting.
 - **David Cruz**, FLC Legislative Counsel, staffs the Development, Code Compliance, and Redevelopment Committee.
 - **Charles Chapman**, Legislative Consultant, staffs the Finance and Taxation Committee.
 - **Sam Wagoner**, FLC Legislative Advocate, staffs the Municipal Operations Committee.
 - **Rebecca O'Hara**, FLC Deputy General Counsel, staffs the Intergovernmental Relations, Mobility, and Emergency Management Committee.
 - **Matt Singer**, FLC Legislative Advocate, staffs the Utilities, Natural Resources, and Public Works Committee.
- ▶ No new issues can be presented after the October meeting.

What can I expect at each meeting?

- ▶ First meeting in September: Discussions begin regarding potential priorities and policy positions.
- ▶ Second meeting in October: Discussions continue, and the committee may narrow down the list of considerations.
- ▶ Final meeting in December: The committee votes on one priority and one optional policy position, finalizing the text for the priority/policy position statements.

When will I get the meeting agenda?

- ▶ Meeting packets containing the agenda and related materials will be emailed to committee members one week before the meeting.
- ▶ You should bring a printed copy or your device to the meeting.
- ▶ Meeting packets are also available on flcities.com under the Advocacy tab.

Does FLC cover any meeting expenses?

- ▶ The League provides breakfast and lunch on the meeting date.





Sovereign Immunity

Florida League of Cities

Municipal Operations Policy Committee

DRAFT Policy Statement Recommendation

Sovereign Immunity

Draft Statement: The Florida League of Cities SUPPORTS maintaining reasonable limits or 'caps' on monetary damages recoverable in negligence claims against government entities. These protections are crucial to safeguard Florida's taxpayers.

Background: Sovereign immunity is a principle under which a government cannot be sued without its consent. Article X, s. 13 of the Florida Constitution allows the Legislature to waive this immunity. Under Article X, s. 13 of the Florida Constitution, s. 768.28(1), Florida Statutes, allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting in the scope of employment. This liability exists only where a private person would be liable for the same conduct.

Since 2011, Florida caps tort recovery from a governmental entity at \$200,000 per person and \$300,000 per accident. Prior to 2011, caps were previously set at \$100,000 and \$200,000, respectively. A judgment may be awarded above the statutory caps. However, recovering damages above these caps requires a special claim bill passed by the Legislature for a claimant to collect.

Capping tort claims against Florida's government entities is necessary to protect taxpayers while ensuring that cities can continue to provide essential services. Services such as police and fire carry an inherent high degree of risk. However, these services are essential for all Floridians. The ability to collect larger settlements or judgments against government entities will serve to increase liability exposure and incentivize litigation, threatening the ability to provide the same level of services.

Local government entities are limited by state law in their ability to generate revenue or increase taxes. City budgets are already stretched thin. Increasing the sovereign immunity limits to unreasonably high levels puts cities at risk of a huge financial burden. To compound the gravity of these potential impacts, the insurance market in Florida is currently incredibly volatile. Securing adequate insurance has been difficult for cities. Florida's government entities have seen very large increases to insurance premiums over the last couple of years. Increasing the sovereign immunity limits will have a dramatic financial impact to all of Florida's government entities, and especially Florida's cities, which have limited resources.

HB 301 (McFarland) sought to raise the statutory caps to \$1 million per person and \$3 million per incident, with further increases scheduled by 2030. After amendments in the

House Judiciary Committee, the bill proposed phased-in caps: \$500,000 per person / \$1 million per incident (effective October 1, 2025), and \$600,000 per person / \$1.1 million per incident (effective October 1, 2030). The bill also would have allowed local governments to settle claims above the statutory limits without a claims bill and prohibited insurance carriers from conditioning payouts on legislative approval of claims bills.

Despite passing in the House, the Senate version, SB 1570 failed to advance, and therefore no changes to sovereign immunity were enacted during the 2025 session. The statutory caps remain \$200,000 per person and \$300,000 per incident, unchanged since 2011. Similar proposals will return in the 2026 legislative session.

1 A bill to be entitled
2 An act relating to suits against the government;
3 amending s. 768.28, F.S.; increasing the statutory
4 limits on liability for tort claims against the state
5 and its agencies and subdivisions; authorizing a
6 subdivision of the state to settle a claim in excess
7 of the statutory limit without further action by the
8 Legislature regardless of insurance coverage limits;
9 prohibiting an insurance policy from conditioning
10 payment of benefits on the enactment of a claim bill;
11 specifying that the limitations in effect on the date
12 the claim accrues apply to that claim; revising the
13 period within which certain claims must be presented
14 to certain entities; revising exceptions relating to
15 instituting actions on tort claims against the state
16 or one of its agencies or subdivisions; revising the
17 period after which the failure of certain entities to
18 make final disposition of a claim shall be deemed a
19 final denial of the claim for certain purposes;
20 revising the statute of limitations for tort claims
21 against the state or one of its agencies or
22 subdivisions and exceptions thereto; providing
23 applicability; amending s. 944.713, conforming
24 provisions to changes made by the act; reenacting ss.
25 45.061(5), 110.504(4), 111.071(1)(a), 125.01015(2)(b),

163.01(3)(h) and (15)(k), 190.043, 213.015(13),
252.51, 252.89, 252.944, 260.0125(2), 284.31, 284.38,
322.13(1)(b), 337.19(1), 341.302(17), 351.03(4)(c),
373.1395(6), 375.251(3)(a), 381.0056(9), 393.075(3),
394.9085(7), 395.1055(10)(g), 403.706(17)(c),
409.175(15)(b), s. 409.993(1)(a) and (b), (2)(a), and
(3)(a), 420.504(8), 455.221(3), 455.32(5), 456.009(3),
456.076(15)(a), 471.038(3), 472.006(11)(b),
497.167(7), 513.118(2), 548.046(1), s. 556.106(8),
589.19(4)(e), 627.7491(3) and (4), 723.0611(2)(c),
760.11(5), 766.1115(4), 766.112(2), 768.1355(3),
768.1382(7), 768.295(4), 946.5026, 946.514(3),
961.06(5), (6)(a), and (7), 1002.33(12)(h),
1002.333(6)(b), 1002.34(17), 1002.351(3)(c),
1002.37(2), 1002.55(3)(1), 1002.83(10), 1002.88(1)(p),
1006.24(1), and 1006.261(2)(b), F.S., relating to
offers of settlement, volunteer benefits, payment of
judgments or settlements against certain public
officers or employees, office of the sheriff, the
Florida Interlocal Cooperation Act of 1969, suits
against community development districts, taxpayer
rights, liability, tort liability, tort liability,
limitation on liability of private landowners whose
property is designated as part of the statewide system
of greenways and trail, scope and types of coverages,

51 waiver of sovereign immunity, driver license
52 examiners, suits by and against the Department of
53 Transportation, rail program, railroad-highway grade-
54 crossing warning signs and signals, limitation on
55 liability of water management district with respect to
56 areas made available to the public for recreational
57 purposes without charge, limitation on liability of
58 persons making available to public certain areas for
59 recreational purposes without charge, school health
60 services program, general liability coverage,
61 behavioral provider liability, rules and enforcement,
62 local government solid waste responsibilities,
63 licensure of family foster homes, residential child-
64 caring agencies, and child-placing agencies, lead
65 agencies and subcontractor liability, the Florida
66 Housing Finance Corporation, legal and investigative
67 services, the Management Privatization Act, legal and
68 investigative services, impaired practitioner
69 programs, the Florida Engineers Management
70 Corporation, the Department of Agriculture and
71 Consumer Services, administrative matters, conduct on
72 premises; refusal of service, physician's attendance
73 at match, liability of the member operator, excavator,
74 and system, creation of certain state forests; naming
75 of certain state forests; Operation Outdoor Freedom

76 Program, official law enforcement vehicles; motor
77 vehicle insurance requirements, the Florida Mobile
78 Home Relocation Corporation, administrative and civil
79 remedies; construction, health care providers;
80 creation of agency relationship with governmental
81 contractors, comparative fault, the Florida Volunteer
82 Protection Act, streetlights, security lights, and
83 other similar illumination, Strategic Lawsuits Against
84 Public Participation (SLAPP), sovereign immunity in
85 tort actions, inmates not state employees,
86 compensation for wrongful incarceration, charter
87 schools, persistently low-performing schools, charter
88 technical career centers, the Florida School for
89 Competitive Academics, the Florida Virtual School,
90 school-year prekindergarten program delivered by
91 private prekindergarten providers, Early learning
92 coalitions, school readiness program provider
93 standards, tort liability; liability insurance, and
94 use of school buses for public purposes, respectively,
95 to incorporate changes made by the act; providing an
96 effective date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 **Section 1. Subsection (5), paragraphs (a) and (d) of**

subsection (6), and subsection (14) of section 768.28, Florida Statutes, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; civil liability for damages caused during a riot; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(5) (a) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment that ~~by any one person which~~ exceeds the limits in paragraph (b).

(b)1. If the cause of action accrued before October 1, 2025, the limitations are as follows:

a. For a claim or judgment by any one person, \$200,000.

b. For multiple claims or judgments, or portions thereof, which arise out of the same incident or occurrence, a total of \$300,000.

2. If the cause of action accrued on or after October 1, 2025, but before October 1, 2030, the limitations are as follows:

a. For a claim or judgment by any one person, \$500,000.

b. For multiple claims or judgments, or portions thereof, which arise out of the same incident or occurrence, a total of

126 \$1 million.

127 3. If the cause of action accrued on or after October 1,
128 2030, the limitations are as follows:

129 a. For a claim or judgment by any one person, \$600,000.

130 b. For multiple claims or judgments, or portions thereof,
131 which arise out of the same incident or occurrence, a total of
132 \$1.1 million ~~sum of \$200,000 or any claim or judgment, or~~
133 ~~portions thereof, which, when totaled with all other claims or~~
134 ~~judgments paid by the state or its agencies or subdivisions~~
135 ~~arising out of the same incident or occurrence, exceeds the sum~~
136 ~~of \$300,000.~~

137 (c) However, a judgment or judgments may be claimed and
138 rendered in excess of these amounts ~~and may be settled and paid~~
139 pursuant to this act up to the limitations provided under
140 paragraph (b) ~~\$200,000 or \$300,000~~, as the case may be; and that
141 portion of the judgment that exceeds these amounts may be
142 reported to the Legislature, and ~~but~~ may be paid in part or in
143 whole ~~only~~ by further act of the Legislature.

144 (d) Notwithstanding the limited waiver of sovereign
145 immunity provided in paragraphs (a) and (b):

146 1. herein, The state or an agency ~~or subdivision~~ thereof
147 may agree, within the limits of insurance coverage provided, to
148 settle a claim made or a judgment rendered against it in excess
149 of the waiver provided in paragraph (b) without further action
150 by the Legislature.

151 2. A subdivision of the state may agree to settle a claim
152 made or a judgment rendered against it in excess of the waiver
153 provided in paragraph (b) without further action by the
154 Legislature.

155
156 However, but the state or an agency or subdivision thereof shall
157 not be deemed to have waived any defense of sovereign immunity
158 or to have increased the limits of its liability as a result of
159 its obtaining insurance coverage for tortious acts in excess of
160 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (b).
161 Beginning October 1, 2025, an insurance policy may not be
162 delivered or issued for delivery to the state or any agency or
163 subdivision thereof with a provision that conditions liability
164 coverage or the payment of insurance benefits, in whole or in
165 part, on the enactment of a claim bill. Any such provision is
166 null and void ~~above.~~

167 (e) The limitations of liability set forth in this
168 subsection ~~shall~~ apply to the state and its agencies and
169 subdivisions whether or not the state or its agencies or
170 subdivisions possessed sovereign immunity before July 1, 1974.

171 (f) ~~(b)~~ A municipality has a duty to allow the municipal
172 law enforcement agency to respond appropriately to protect
173 persons and property during a riot or an unlawful assembly based
174 on the availability of adequate equipment to its municipal law
175 enforcement officers and relevant state and federal laws. If the

governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages, including damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach of duty. The sovereign immunity recovery limits in paragraph (b) ~~(a)~~ do not apply to an action under this paragraph.

(g) When determining liability limits for a claim, the limitations of liability in effect on the date the claim accrues shall apply to the claim.

(6) (a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents such claim in writing to the Department of Financial Services, within 18 months ~~3 years~~ after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability

201 by payment or agreed, while the action is pending against her or
202 him, to discharge the common liability; or

203 2. Such action arises from a violation of s. 794.011
204 involving a victim who was under the age of 16 years at the time
205 of the act, the claimant may present the claim in writing at any
206 time. This subparagraph applies to any such action other than an
207 action that would have been time barred on or before October 1,
208 2025 ~~is for wrongful death, the claimant must present the claim~~
209 ~~in writing to the Department of Financial Services within 2~~
210 ~~years after the claim accrues.~~

211 (d) For purposes of this section, complete, accurate, and
212 timely compliance with the requirements of paragraph (c) shall
213 occur prior to settlement payment, close of discovery or
214 commencement of trial, whichever is sooner; provided the ability
215 to plead setoff is not precluded by the delay. This setoff shall
216 apply only against that part of the settlement or judgment
217 payable to the claimant, minus claimant's reasonable attorney
218 ~~attorney's~~ fees and costs. Incomplete or inaccurate disclosure
219 of unpaid adjudicated claims due the state, its agency, officer,
220 or subdivision, may be excused by the court upon a showing by
221 the preponderance of the evidence of the claimant's lack of
222 knowledge of an adjudicated claim and reasonable inquiry by, or
223 on behalf of, the claimant to obtain the information from public
224 records. Unless the appropriate agency had actual notice of the
225 information required to be disclosed by paragraph (c) in time to

226 assert a setoff, an unexcused failure to disclose shall, upon
227 hearing and order of court, cause the claimant to be liable for
228 double the original undisclosed judgment and, upon further
229 motion, the court shall enter judgment for the agency in that
230 amount. Except as provided otherwise in this subsection, the
231 failure of the Department of Financial Services or the
232 appropriate agency to make final disposition of a claim within 4
233 ~~6~~ months after it is filed shall be deemed a final denial of the
234 claim for purposes of this section. For purposes of this
235 subsection, in medical malpractice actions and in wrongful death
236 actions, the failure of the Department of Financial Services or
237 the appropriate agency to make final disposition of a claim
238 within 90 days after it is filed shall be deemed a final denial
239 of the claim. The statute of limitations ~~for medical malpractice~~
240 ~~actions and wrongful death actions~~ is tolled as to all
241 prospective defendants for the period of time taken by the
242 Department of Financial Services or the appropriate agency to
243 deny the claim. The provisions of this subsection do not apply
244 to such claims as may be asserted by counterclaim pursuant to s.
245 768.14.

246 (14) Every claim against the state or one of its agencies
247 or subdivisions for damages for a negligent or wrongful act or
248 omission pursuant to this section shall be forever barred unless
249 the civil action is commenced by filing a complaint in the court
250 of appropriate jurisdiction:

251 (a) Within 2 4 years for an action founded on negligence.

252 (b) Within the limitations provided in s. 768.31(4) for an
253 action for contribution.

254 (c) Within the limitations provided in s. 95.11(5) for an
255 action for damages arising from medical malpractice or wrongful
256 death.

257 (d) At any time for an action arising from an act
258 constituting a violation of s. 794.011 involving a victim who
259 was under the age of 16 years at the time of the act. This
260 paragraph applies to any such action other than an action that
261 would have been time barred on or before October 1, 2025.

262 (e) Within 4 years for any other action not specified in
263 this subsection after such claim accrues; except that an action
264 for contribution must be commenced within the limitations
265 provided in s. 768.31(4), and an action for damages arising from
266 medical malpractice or wrongful death must be commenced within
267 the limitations for such actions in s. 95.11(5).

268 **Section 2. Subsection (2) of section 944.713, Florida**
269 **Statutes, is amended to read:**

270 944.713 Insurance against liability.—

271 (2) The contract shall provide for indemnification of the
272 state by the private vendor for any liabilities incurred up to
273 the limits provided under s. 768.28(5). The contract shall
274 provide that the private vendor, or the insurer of the private
275 vendor, is liable to pay any claim or judgment for any one

person which does not exceed the applicable maximum amount
provided in s. 768.28(5) ~~the sum of \$100,000 or any claim or~~
~~judgment, or portions thereof, which, when totaled with all~~
~~other claims or judgments arising out of the same incident or~~
~~occurrence, does not exceed the sum of \$200,000.~~ In addition,
the contractor must agree to defend, hold harmless, and
indemnify the department against any and all actions, claims,
damages and losses, including costs and attorney ~~attorney's~~
fees.

**Section 3. For the purpose of incorporating the amendment
made by this act to section 768.28, Florida Statutes, in a
reference thereto, subsection (5) of section 45.061, Florida
Statutes, is reenacted to read:**

45.061 Offers of settlement.—

(5) Sanctions authorized under this section may be imposed
notwithstanding any limitation on recovery of costs or expenses
which may be provided by contract or in other provisions of
Florida law. This section shall not be construed to waive the
limits of sovereign immunity set forth in s. 768.28.

**Section 4. For the purpose of incorporating the amendment
made by this act to section 768.28, Florida Statutes, in a
reference thereto, subsection (4) of section 110.504, Florida
Statutes, is reenacted to read:**

110.504 Volunteer benefits.—

(4) Volunteers shall be covered by state liability

301 protection in accordance with the definition of a volunteer and
302 the provisions of s. 768.28.

303 **Section 5. For the purpose of incorporating the amendment**
304 **made by this act to section 768.28, Florida Statutes, in a**
305 **reference thereto, paragraph (a) of subsection (1) of section**
306 **111.071, Florida Statutes, is reenacted to read:**

307 111.071 Payment of judgments or settlements against
308 certain public officers or employees.—

309 (1) Any county, municipality, political subdivision, or
310 agency of the state which has been excluded from participation
311 in the Insurance Risk Management Trust Fund is authorized to
312 expend available funds to pay:

313 (a) Any final judgment, including damages, costs, and
314 attorney's fees, arising from a complaint for damages or injury
315 suffered as a result of any act or omission of action of any
316 officer, employee, or agent in a civil or civil rights lawsuit
317 described in s. 111.07. If the civil action arises under s.
318 768.28 as a tort claim, the limitations and provisions of s.
319 768.28 governing payment shall apply. If the action is a civil
320 rights action arising under 42 U.S.C. s. 1983, or similar
321 federal statutes, payments for the full amount of the judgment
322 may be made unless the officer, employee, or agent has been
323 determined in the final judgment to have caused the harm
324 intentionally.

325 **Section 6. For the purpose of incorporating the amendment**

326 **made by this act to section 768.28, Florida Statutes, in a**
327 **reference thereto, paragraph (b) of subsection (2) of section**
328 **125.01015, Florida Statutes, is reenacted to read:**

329 125.01015 Office of the sheriff.—

330 (2) To ensure the successful transfer of the exclusive
331 policing responsibility and authority to the sheriff in a
332 county, as defined in s. 125.011(1), the board of county
333 commissioners shall:

334 (b) After the election of the sheriff is certified:

335 1. Provide funding for all of the necessary staff and
336 office space for the sheriff-elect to establish an independent
337 office of the sheriff, so that the office may effectively
338 operate and perform all of the functions required by general law
339 when the sheriff-elect takes office.

340 2. Provide funding for the sheriff-elect to select any
341 necessary insurances not provided by the county through the
342 interlocal agreement required under sub-subparagraph 6.d. to
343 allow the sheriff to effectively operate and perform all of the
344 functions required by general law when he or she takes office.

345 3. Provide funding for the sheriff-elect to establish bank
346 and other accounts, as necessary, in his or her official
347 capacity as sheriff, so that such accounts become operational
348 when he or she takes office.

349 4. Unless otherwise transferable based on existing surety
350 bonds for the sheriff's deputies, provide funding for and

351 facilitate procurement of the required surety bonds for deputy
352 sheriffs pursuant to s. 30.09, so that such bonds are in place
353 when the sheriff-elect takes office.

354 5. Prepare and deliver to the office of the sheriff all
355 documents, property, and other items listed in subsection (4).

356 6. Notwithstanding any provision to the contrary, for a
357 term commencing on January 7, 2025, and ending on or after
358 September 30, 2028, provide the sheriff-elect taking office
359 with, and require the sheriff-elect taking office to use, not
360 less than the substantially and materially same support
361 services, facilities, office space, and information technology
362 infrastructure provided to county offices or departments
363 performing the duties to be performed by the sheriff-elect upon
364 taking office in the 1-year period before he or she takes
365 office.

366 a. As used in this subparagraph, the term "support
367 services" includes:

368 (I) Property and facilities, and the management and
369 maintenance for such property and facilities.

370 (II) Communications infrastructure, including telephone
371 and Internet connectivity.

372 (III) Risk management, including processing, adjusting,
373 and payment of all claims and demands, including those made
374 under s. 768.28. The county shall provide the sheriff with all
375 required general liability, property, and other insurance

376 coverage through its self-insurance program, a self-insurance
377 risk pool, or commercial insurance. If the county provides
378 insurance through a self-insurance program, the county must also
379 provide the sheriff with commercial stop-loss coverage in an
380 amount and with a self-insured retention agreed upon by the
381 sheriff and the county.

382 (IV) Legal representation and advice through the office of
383 the county attorney for all claims, demands, and causes of
384 action brought against the sheriff, his or her deputies, or
385 other personnel in their official and individual capacities,
386 while acting in their official and individual capacities,
387 including any required outside counsel due to conflicts of
388 interest. This sub-sub-subparagraph does not prohibit the
389 sheriff from employing or retaining his or her own legal
390 representation as he or she deems necessary.

391 (V) Purchasing and procurement services using procedures
392 under the laws and ordinances applicable to the county for
393 purchases requiring competitive procurement.

394 (VI) Budget and fiscal software and budget development
395 services.

396 (VII) Human resource services, including, but not limited
397 to, facilitation of the hiring process, including employee
398 applicant screening and employee applicant background checks,
399 and employee benefit administration. The county may provide
400 human resource services to the sheriff. However, the sheriff is

the employer of his or her employees, and the sheriff retains full and complete control and authority over the hiring of his or her employees and the terms and conditions of employment, including employee discipline and termination of employment. The provision of human resource services by the county to the sheriff does not create a joint-employer relationship. The sheriff's employees shall remain members of the county's health insurance and workers' compensation plans for at least the term set forth in this subparagraph.

(VIII) Fleet management, including procurement of all vehicles and other mobile assets such as boats and aircraft, and all vehicle repair and maintenance.

b. As used in this subparagraph, the term "information technology infrastructure" includes:

(I) All hardware, including computers.

(II) Budget and fiscal software, including payroll and purchasing software.

(III) Computer-aided dispatch.

c. Under a cost allocation plan agreed to by the county and the sheriff, the sheriff shall pay the county for such support services and information technology infrastructure from his or her general fund budget, except for any support services and information technology infrastructure costs that general law otherwise and expressly requires the county to fund outside the sheriff's budget.

d. To satisfy compliance with this subsection and to establish the office of the sheriff in a manner that minimizes unnecessary financial expenditures, the county and the sheriff shall execute an interlocal agreement addressing the requirements of this subsection and other expenditures, including an appropriate phase-in period for identification of the sheriff's assets with the sheriff's markings to minimize the cost to taxpayers. The interlocal agreement shall have a term that ends no earlier than September 30, 2028, and may be amended, renewed, extended, or newly adopted at any time following the expiration or termination of the agreement. After the initial period ending no earlier than September 30, 2028, an interlocal agreement may be entered into between the county and the sheriff which provides for the same or different requirements as set forth in this subsection.

Section 7. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (h) of subsection (3) and paragraph (k) of subsection (15) of section 163.01, Florida Statutes, are reenacted to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(h) "Local government liability pool" means a reciprocal insurer as defined in s. 629.011 or any self-insurance program created pursuant to s. 768.28(16), formed and controlled by

counties or municipalities of this state to provide liability insurance coverage for counties, municipalities, or other public agencies of this state, which pool may contract with other parties for the purpose of providing claims administration, processing, accounting, and other administrative facilities.

(15) Notwithstanding any other provision of this section or of any other law except s. 361.14, any public agency of this state which is an electric utility, or any separate legal entity created pursuant to the provisions of this section, the membership of which consists only of electric utilities, and which exercises or proposes to exercise the powers granted by part II of chapter 361, the Joint Power Act, may exercise any or all of the following powers:

(k) The limitations on waiver in the provisions of s. 768.28 or any other law to the contrary notwithstanding, the Legislature, in accordance with s. 13, Art. X of the State Constitution, hereby declares that any such legal entity or any public agency of this state that participates in any electric project waives its sovereign immunity to:

1. All other persons participating therein; and
2. Any person in any manner contracting with a legal entity of which any such public agency is a member, with relation to:

a. Ownership, operation, or any other activity set forth in sub-subparagraph (b)2.d. with relation to any electric

476 project; or

477 b. The supplying or purchasing of services, output,
478 capacity, energy, or any combination thereof.

479 **Section 8. For the purpose of incorporating the amendment**
480 **made by this act to section 768.28, Florida Statutes, in a**
481 **reference thereto, section 190.043, Florida Statutes, is**
482 **reenacted to read:**

483 190.043 Suits against the district.—Any suit or action
484 brought or maintained against the district for damages arising
485 out of tort, including, without limitation, any claim arising
486 upon account of an act causing an injury or loss of property,
487 personal injury, or death, shall be subject to the limitations
488 provided in s. 768.28.

489 **Section 9. For the purpose of incorporating the amendment**
490 **made by this act to section 768.28, Florida Statutes, in a**
491 **reference thereto, subsection (13) of section 213.015, Florida**
492 **Statutes, is reenacted to read:**

493 213.015 Taxpayer rights.—There is created a Florida
494 Taxpayer's Bill of Rights to guarantee that the rights, privacy,
495 and property of Florida taxpayers are adequately safeguarded and
496 protected during tax assessment, collection, and enforcement
497 processes administered under the revenue laws of this state. The
498 Taxpayer's Bill of Rights compiles, in one document, brief but
499 comprehensive statements which explain, in simple, nontechnical
500 terms, the rights and obligations of the Department of Revenue

501 and taxpayers. Section 192.0105 provides additional rights
502 afforded to payors of property taxes and assessments. The rights
503 afforded taxpayers to ensure that their privacy and property are
504 safeguarded and protected during tax assessment and collection
505 are available only insofar as they are implemented in other
506 parts of the Florida Statutes or rules of the Department of
507 Revenue. The rights so guaranteed Florida taxpayers in the
508 Florida Statutes and the departmental rules are:

509 (13) The right to an action at law within the limitations
510 of s. 768.28, relating to sovereign immunity, to recover damages
511 against the state or the Department of Revenue for injury caused
512 by the wrongful or negligent act or omission of a department
513 officer or employee (see s. 768.28).

514 **Section 10. For the purpose of incorporating the amendment**
515 **made by this act to section 768.28, Florida Statutes, in a**
516 **reference thereto, section 252.51, Florida Statutes, is**
517 **reenacted to read:**

518 252.51 Liability.—Any person or organization, public or
519 private, owning or controlling real estate or other premises who
520 voluntarily and without compensation, other than payment or
521 reimbursement of costs and expenses, grants a license or
522 privilege or otherwise permits the designation by the local
523 emergency management agency or use of the whole or any part of
524 such real estate or premises for the purpose of sheltering
525 persons during an actual, impending, mock, or practice

emergency, together with her or his successor in interest, if any, shall not be liable for the death of, or injury to, any person on or about such real estate or premises during the actual, impending, mock, or practice emergency, or for loss of, or damage to, the property of such person, solely by reason or as a result of such license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of such person owning or controlling such real estate or premises or her or his successor in interest is the proximate cause of such death, injury, loss, or damage occurring during such sheltering period. Any such person or organization who provides such shelter space for compensation shall be deemed to be an instrumentality of the state or its applicable agency or subdivision for the purposes of s. 768.28.

Section 11. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 252.89, Florida Statutes, is reenacted to read:

252.89 Tort liability.—The commission and the committees shall be state agencies, and the members of the commission and committees shall be officers, employees, or agents of the state for the purposes of s. 768.28.

Section 12. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 252.944, Florida Statutes, is

reenacted to read:

252.944 Tort liability.—The commission and the committees are state agencies, and the members of the commission and committees are officers, employees, or agents of the state for the purpose of s. 768.28.

Section 13. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 260.0125, Florida Statutes, is reenacted to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

Section 14. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 284.31, Florida Statutes, is reenacted to read:

284.31 Scope and types of coverages; separate accounts.—
The Insurance Risk Management Trust Fund must, unless specifically excluded by the Department of Financial Services,

cover all departments of the State of Florida and their employees, agents, and volunteers and must provide separate accounts for workers' compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, state agency firefighter cancer benefits payable under s. 112.1816(2), and court-awarded attorney fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation or for awards by the Public Employees Relations Commission. Unless specifically excluded by the Department of Financial Services, the Insurance Risk Management Trust Fund must provide fleet automotive liability coverage to motor vehicles titled to the state, or to any department of the state, when such motor vehicles are used by community transportation coordinators performing, under contract to the appropriate department of the state, services for the transportation disadvantaged under part I of chapter 427. Such fleet automotive liability coverage is primary and is subject to s. 768.28 and parts II and III of chapter 284, and applicable rules adopted thereunder, and the terms and conditions of the certificate of coverage issued by the Department of Financial Services.

Section 15. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 284.38, Florida Statutes, is reenacted to read:

284.38 Waiver of sovereign immunity; effect.—The insurance programs developed herein shall provide limits as established by the provisions of s. 768.28 if a tort claim. The limits provided in s. 768.28 shall not apply to a civil rights action arising under 42 U.S.C. s. 1983 or similar federal statute. Payment of a pending or future claim or judgment arising under any of said statutes may be made upon this act becoming a law, unless the officer, employee, or agent has been determined in the final judgment to have caused the harm intentionally; however, the fund is authorized to pay all other court-ordered attorney's fees as provided under s. 284.31.

Section 16. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 322.13, Florida Statutes, is reenacted to read:

322.13 Driver license examiners.—

(1)

(b) Those persons serving as driver license examiners are not liable for actions taken within the scope of their employment or designation, except as provided by s. 768.28.

Section 17. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (1) of section 337.19, Florida Statutes, is reenacted to read:

337.19 Suits by and against department; limitation of

actions; forum.—

(1) Suits at law and in equity may be brought and maintained by and against the department on any contract claim arising from breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement. In any such suit, the department and the contractor shall have all of the same rights and obligations as a private person under a like contract except that no liability may be based on an oral modification of either the written contract or written directive. Nothing herein shall be construed to waive the sovereign immunity of the state and its political subdivisions from equitable claims and equitable remedies. Notwithstanding anything to the contrary contained in this section, no employee or agent of the department may be held personally liable to an extent greater than that pursuant to s. 768.28 provided that no suit sounding in tort shall be maintained against the department.

Section 18. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (17) of section 341.302, Florida Statutes, is reenacted to read:

341.302 Rail program; duties and responsibilities of the department.—The department, in conjunction with other governmental entities, including the rail enterprise and the

private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law, the department shall:

(17) In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:

(a) Assume obligations pursuant to the following:

1.a. The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless the freight rail operator, or its successors, from whom the department has acquired a real property interest in the rail corridor, and that freight rail operator's officers, agents, and employees, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever; or

b. The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless National Railroad Passenger Corporation, or its successors, and officers, agents, and employees of National Railroad Passenger Corporation, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of National Railroad Passenger Corporation, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

2. The assumption of liability of the department by contract pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may not in any instance exceed the following parameters of allocation of risk:

a. The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, or rail corridor invitees, or trespassers, regardless of circumstances or cause, subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and 6.

b.(I) In the event of a limited covered accident, the authority of the department to protect, defend, and indemnify

701 the freight operator for all liability, cost, and expense,
702 including punitive or exemplary damages, in excess of the
703 deductible or self-insurance retention fund established under
704 paragraph (b) and actually in force at the time of the limited
705 covered accident exists only if the freight operator agrees,
706 with respect to the limited covered accident, to protect,
707 defend, and indemnify the department for the amount of the
708 deductible or self-insurance retention fund established under
709 paragraph (b) and actually in force at the time of the limited
710 covered accident.

711 (II) In the event of a limited covered accident, the
712 authority of the department to protect, defend, and indemnify
713 National Railroad Passenger Corporation for all liability, cost,
714 and expense, including punitive or exemplary damages, in excess
715 of the deductible or self-insurance retention fund established
716 under paragraph (b) and actually in force at the time of the
717 limited covered accident exists only if National Railroad
718 Passenger Corporation agrees, with respect to the limited
719 covered accident, to protect, defend, and indemnify the
720 department for the amount of the deductible or self-insurance
721 retention fund established under paragraph (b) and actually in
722 force at the time of the limited covered accident.

723 3. When only one train is involved in an incident, the
724 department may be solely responsible for any loss, injury, or
725 damage if the train is a department train or other train

pursuant to subparagraph 4., but only if:

a. When an incident occurs with only a freight train involved, including incidents with trespassers or at grade crossings, the freight rail operator is solely responsible for any loss, injury, or damage, except for commuter rail passengers and rail corridor invitees; or

b. When an incident occurs with only a National Railroad Passenger Corporation train involved, including incidents with trespassers or at grade crossings, National Railroad Passenger Corporation is solely responsible for any loss, injury, or damage, except for commuter rail passengers and rail corridor invitees.

4. For the purposes of this subsection:

a. Any train involved in an incident that is neither the department's train nor the freight rail operator's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and the freight rail operator only, but only if the department and the freight rail operator share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a freight rail operator train, and the allocation as between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain

one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; or

b. Any train involved in an incident that is neither the department's train nor the National Railroad Passenger Corporation's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and National Railroad Passenger Corporation only, but only if the department and National Railroad Passenger Corporation share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a National Railroad Passenger Corporation train, and the allocation as between the department and National Railroad Passenger Corporation, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

5. When more than one train is involved in an incident:

a.(I) If only a department train and freight rail operator's train, or only an other train as described in sub-subparagraph 4.a. and a freight rail operator's train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, and rail corridor invitees, but only if the freight rail operator is responsible for its property and all of its people, and the department and the freight rail operator each share one-half responsibility as to trespassers or third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; or

(II) If only a department train and a National Railroad Passenger Corporation train, or only an other train as described in sub-subparagraph 4.b. and a National Railroad Passenger Corporation train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, and rail corridor invitees, but only if National Railroad Passenger Corporation is responsible for its property and all of its people, all National Railroad Passenger Corporation's rail passengers, and the department and National Railroad Passenger Corporation each share one-half responsibility as to trespassers or third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

801 b.(I) If a department train, a freight rail operator
802 train, and any other train are involved in an incident, the
803 allocation of liability between the department and the freight
804 rail operator, regardless of whether the other train is treated
805 as a department train, shall remain one-half each as to third
806 parties outside the rail corridor who incur loss, injury, or
807 damage as a result of the incident; the involvement of any other
808 train shall not alter the sharing of equal responsibility as to
809 third parties outside the rail corridor who incur loss, injury,
810 or damage as a result of the incident; and, if the owner,
811 operator, or insurer of the other train makes any payment to
812 injured third parties outside the rail corridor who incur loss,
813 injury, or damage as a result of the incident, the allocation of
814 credit between the department and the freight rail operator as
815 to such payment shall not in any case reduce the freight rail
816 operator's third-party-sharing allocation of one-half under this
817 paragraph to less than one-third of the total third party
818 liability; or

819 (II) If a department train, a National Railroad Passenger
820 Corporation train, and any other train are involved in an
821 incident, the allocation of liability between the department and
822 National Railroad Passenger Corporation, regardless of whether
823 the other train is treated as a department train, shall remain
824 one-half each as to third parties outside the rail corridor who
825 incur loss, injury, or damage as a result of the incident; the

involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and National Railroad Passenger Corporation as to such payment shall not in any case reduce National Railroad Passenger Corporation's third-party-sharing allocation of one-half under this sub-subparagraph to less than one-third of the total third party liability.

6. Any such contractual duty to protect, defend, indemnify, and hold harmless such a freight rail operator or National Railroad Passenger Corporation shall expressly include a specific cap on the amount of the contractual duty, which amount shall not exceed \$200 million without prior legislative approval, and the department to purchase liability insurance and establish a self-insurance retention fund in the amount of the specific cap established under this subparagraph, provided that:

a. No such contractual duty shall in any case be effective nor otherwise extend the department's liability in scope and effect beyond the contractual liability insurance and self-insurance retention fund required pursuant to this paragraph; and

b.(I) The freight rail operator's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of the freight rail operator.

(II) National Railroad Passenger Corporation's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of National Railroad Passenger Corporation.

(b) Purchase liability insurance, which amount shall not exceed \$200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), National Railroad Passenger Corporation, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible shall not exceed \$10 million. The insureds shall pay a reasonable monetary contribution to the cost of such liability coverage for the sole benefit of the insured. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising

876 out of or connected with the ownership, operation, maintenance,
877 and management of a rail corridor.

878 (c) Incur expenses for the purchase of advertisements,
879 marketing, and promotional items.

880 (d) Without altering any of the rights granted to the
881 department under this section, agree to assume the obligations
882 to indemnify and insure, pursuant to s. 343.545, freight rail
883 service, intercity passenger rail service, and commuter rail
884 service on a department-owned rail corridor, whether ownership
885 is in fee or by easement, or on a rail corridor where the
886 department has the right to operate.

887
888 Neither the assumption by contract to protect, defend,
889 indemnify, and hold harmless; the purchase of insurance; nor the
890 establishment of a self-insurance retention fund shall be deemed
891 to be a waiver of any defense of sovereign immunity for torts
892 nor deemed to increase the limits of the department's or the
893 governmental entity's liability for torts as provided in s.
894 768.28. The requirements of s. 287.022(1) shall not apply to the
895 purchase of any insurance under this subsection. The provisions
896 of this subsection shall apply and inure fully as to any other
897 governmental entity providing commuter rail service and
898 constructing, operating, maintaining, or managing a rail
899 corridor on publicly owned right-of-way under contract by the
900 governmental entity with the department or a governmental entity

designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

Section 19. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 351.03, Florida Statutes, is reenacted to read:

351.03 Railroad-highway grade-crossing warning signs and signals; audible warnings; exercise of reasonable care; blocking highways, roads, and streets during darkness.—

(4)

(c) Nothing in this subsection shall be construed to nullify the liability provisions of s. 768.28.

Section 20. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (6) of section 373.1395, Florida Statutes, is reenacted to read:

373.1395 Limitation on liability of water management

926 district with respect to areas made available to the public for
927 recreational purposes without charge.—

928 (6) This section does not relieve any water management
929 district of any liability that would otherwise exist for gross
930 negligence or a deliberate, willful, or malicious injury to a
931 person or property. This section does not create or increase the
932 liability of any water management district or person beyond that
933 which is authorized by s. 768.28.

934 **Section 21. For the purpose of incorporating the amendment**
935 **made by this act to section 768.28, Florida Statutes, in a**
936 **reference thereto, paragraph (a) of subsection (3) of section**
937 **375.251, Florida Statutes, is reenacted to read:**

938 375.251 Limitation on liability of persons making
939 available to public certain areas for recreational purposes
940 without charge.—

941 (3)(a) An owner of an area who enters into a written
942 agreement concerning the area with a state agency for outdoor
943 recreational purposes, where such agreement recognizes that the
944 state agency is responsible for personal injury, loss, or damage
945 resulting in whole or in part from the state agency's use of the
946 area under the terms of the agreement subject to the limitations
947 and conditions specified in s. 768.28, owes no duty of care to
948 keep the area safe for entry or use by others, or to give
949 warning to persons entering or going on the area of any
950 hazardous conditions, structures, or activities thereon. An

owner who enters into a written agreement concerning the area with a state agency for outdoor recreational purposes:

1. Is not presumed to extend any assurance that the area is safe for any purpose;

2. Does not incur any duty of care toward a person who goes on the area that is subject to the agreement; or

3. Is not liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the area that is subject to the agreement.

Section 22. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (9) of section 381.0056, Florida Statutes, is reenacted to read:

381.0056 School health services program.—

(9) Any health care entity that provides school health services under contract with the department pursuant to a school health services plan developed under this section, and as part of a school nurse services public-private partnership, is deemed to be a corporation acting primarily as an instrumentality of the state solely for the purpose of limiting liability pursuant to s. 768.28(5). The limitations on tort actions contained in s. 768.28(5) shall apply to any action against the entity with respect to the provision of school health services, if the entity is acting within the scope of and pursuant to guidelines established in the contract or by rule of the department. The

contract must require the entity, or the partnership on behalf of the entity, to obtain general liability insurance coverage, with any additional endorsement necessary to insure the entity for liability assumed by its contract with the department. The Legislature intends that insurance be purchased by entities, or by partnerships on behalf of the entity, to cover all liability claims, and under no circumstances shall the state or the department be responsible for payment of any claims or defense costs for claims brought against the entity or its subcontractor for services performed under the contract with the department. This subsection does not preclude consideration by the Legislature for payment by the state of any claims bill involving an entity contracting with the department pursuant to this section.

Section 23. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 393.075, Florida Statutes, is reenacted to read:

393.075 General liability coverage.—

(3) This section shall not be construed as designating or not designating that a person who owns or operates a foster care facility or group home facility as described in this section or any other person is an employee or agent of the state. Nothing in this section amends, expands, or supersedes the provisions of s. 768.28.

1001 **Section 24. For the purpose of incorporating the amendment**
1002 **made by this act to section 768.28, Florida Statutes, in a**
1003 **reference thereto, subsection (7) of section 394.9085, Florida**
1004 **Statutes, is reenacted to read:**

1005 394.9085 Behavioral provider liability.—

1006 (7) This section shall not be construed to waive sovereign
1007 immunity for any governmental unit or other entity protected by
1008 sovereign immunity. Section 768.28 shall continue to apply to
1009 all governmental units and such entities.

1010 **Section 25. For the purpose of incorporating the amendment**
1011 **made by this act to section 768.28, Florida Statutes, in a**
1012 **reference thereto, paragraph (g) of subsection (10) of section**
1013 **395.1055, Florida Statutes, is reenacted to read:**

1014 395.1055 Rules and enforcement.—

1015 (10) The agency shall establish a pediatric cardiac
1016 technical advisory panel, pursuant to s. 20.052, to develop
1017 procedures and standards for measuring outcomes of pediatric
1018 cardiac catheterization programs and pediatric cardiovascular
1019 surgery programs.

1020 (g) Panel members are agents of the state for purposes of
1021 s. 768.28 throughout the good faith performance of the duties
1022 assigned to them by the Secretary of Health Care Administration.

1023 **Section 26. For the purpose of incorporating the amendment**
1024 **made by this act to section 768.28, Florida Statutes, in a**
1025 **reference thereto, paragraph (c) of subsection (17) of section**

403.706, Florida Statutes, is reenacted to read:

403.706 Local government solid waste responsibilities.—

(17) To effect the purposes of this part, counties and municipalities are authorized, in addition to other powers granted pursuant to this part:

(c) To waive sovereign immunity and immunity from suit in federal court by vote of the governing body of the county or municipality to the extent necessary to carry out the authority granted in paragraphs (a) and (b), notwithstanding the limitations prescribed in s. 768.28.

Section 27. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (15) of section 409.175, Florida Statutes, is reenacted to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(15)

(b) This subsection may not be construed as designating or not designating that a person who owns or operates a family foster home as described in this subsection or any other person is an employee or agent of the state. Nothing in this subsection amends, expands, or supersedes the provisions of s. 768.28.

Section 28. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a

1051 **reference thereto, subsection (1), paragraph (a) of subsection**
1052 **(2), and paragraph (a) of subsection (3) of section 409.993,**
1053 **Florida Statutes, are reenacted to read:**

1054 409.993 Lead agencies and subcontractor liability.—

1055 (1) FINDINGS.—

1056 (a) The Legislature finds that the state has traditionally
1057 provided foster care services to children who are the
1058 responsibility of the state. As such, foster children have not
1059 had the right to recover for injuries beyond the limitations
1060 specified in s. 768.28. The Legislature has determined that
1061 foster care and related services should be outsourced pursuant
1062 to this section and that the provision of such services is of
1063 paramount importance to the state. The purpose of such
1064 outsourcing is to increase the level of safety, security, and
1065 stability of children who are or become the responsibility of
1066 the state. One of the components necessary to secure a safe and
1067 stable environment for such children is the requirement that
1068 private providers maintain liability insurance. As such,
1069 insurance needs to be available and remain available to
1070 nongovernmental foster care and related services providers
1071 without the resources of such providers being significantly
1072 reduced by the cost of maintaining such insurance.

1073 (b) The Legislature further finds that, by requiring the
1074 following minimum levels of insurance, children in outsourced
1075 foster care and related services will gain increased protection

1076 and rights of recovery in the event of injury than currently
1077 provided in s. 768.28.

1078 (2) LEAD AGENCY LIABILITY.—

1079 (a) Other than an entity to which s. 768.28 applies, an
1080 eligible community-based care lead agency, or its employees or
1081 officers, except as otherwise provided in paragraph (b), shall,
1082 as a part of its contract, obtain a minimum of \$1 million per
1083 occurrence with a policy period aggregate limit of \$3 million in
1084 general liability insurance coverage. The lead agency must also
1085 require that staff who transport client children and families in
1086 their personal automobiles in order to carry out their job
1087 responsibilities obtain minimum bodily injury liability
1088 insurance in the amount of \$100,000 per person per any one
1089 automobile accident, and subject to such limits for each person,
1090 \$300,000 for all damages resulting from any one automobile
1091 accident, on their personal automobiles. In lieu of personal
1092 motor vehicle insurance, the lead agency's casualty, liability,
1093 or motor vehicle insurance carrier may provide nonowned
1094 automobile liability coverage. This insurance provides liability
1095 insurance for an automobile that the lead agency uses in
1096 connection with the lead agency's business but does not own,
1097 lease, rent, or borrow. This coverage includes an automobile
1098 owned by an employee of the lead agency or a member of the
1099 employee's household but only while the automobile is used in
1100 connection with the lead agency's business. The nonowned

1101 automobile coverage for the lead agency applies as excess
1102 coverage over any other collectible insurance. The personal
1103 automobile policy for the employee of the lead agency shall be
1104 primary insurance, and the nonowned automobile coverage of the
1105 lead agency acts as excess insurance to the primary insurance.
1106 The lead agency shall provide a minimum limit of \$1 million in
1107 nonowned automobile coverage. In a tort action brought against
1108 such a lead agency or employee, net economic damages shall be
1109 limited to \$2 million per liability claim and \$200,000 per
1110 automobile claim, including, but not limited to, past and future
1111 medical expenses, wage loss, and loss of earning capacity,
1112 offset by any collateral source payment paid or payable. In any
1113 tort action brought against a lead agency, noneconomic damages
1114 shall be limited to \$400,000 per claim. A claims bill may be
1115 brought on behalf of a claimant pursuant to s. 768.28 for any
1116 amount exceeding the limits specified in this paragraph. Any
1117 offset of collateral source payments made as of the date of the
1118 settlement or judgment shall be in accordance with s. 768.76.
1119 The lead agency is not liable in tort for the acts or omissions
1120 of its subcontractors or the officers, agents, or employees of
1121 its subcontractors.

1122 (3) SUBCONTRACTOR LIABILITY.—

1123 (a) A subcontractor of an eligible community-based care
1124 lead agency that is a direct provider of foster care and related
1125 services to children and families, and its employees or

1126 officers, except as otherwise provided in paragraph (b), must,
1127 as a part of its contract, obtain a minimum of \$1 million per
1128 occurrence with a policy period aggregate limit of \$3 million in
1129 general liability insurance coverage. The subcontractor of a
1130 lead agency must also require that staff who transport client
1131 children and families in their personal automobiles in order to
1132 carry out their job responsibilities obtain minimum bodily
1133 injury liability insurance in the amount of \$100,000 per person
1134 in any one automobile accident, and subject to such limits for
1135 each person, \$300,000 for all damages resulting from any one
1136 automobile accident, on their personal automobiles. In lieu of
1137 personal motor vehicle insurance, the subcontractor's casualty,
1138 liability, or motor vehicle insurance carrier may provide
1139 nonowned automobile liability coverage. This insurance provides
1140 liability insurance for automobiles that the subcontractor uses
1141 in connection with the subcontractor's business but does not
1142 own, lease, rent, or borrow. This coverage includes automobiles
1143 owned by the employees of the subcontractor or a member of the
1144 employee's household but only while the automobiles are used in
1145 connection with the subcontractor's business. The nonowned
1146 automobile coverage for the subcontractor applies as excess
1147 coverage over any other collectible insurance. The personal
1148 automobile policy for the employee of the subcontractor shall be
1149 primary insurance, and the nonowned automobile coverage of the
1150 subcontractor acts as excess insurance to the primary insurance.

The subcontractor shall provide a minimum limit of \$1 million in nonowned automobile coverage. In a tort action brought against such subcontractor or employee, net economic damages shall be limited to \$2 million per liability claim and \$200,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In a tort action brought against such subcontractor, noneconomic damages shall be limited to \$400,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

Section 29. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (8) of section 420.504, Florida Statutes, is reenacted to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(8) The corporation is a corporation primarily acting as an instrumentality of the state, within the meaning of s. 768.28.

Section 30. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 455.221, Florida

Statutes, is reenacted to read:

455.221 Legal and investigative services.—

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 31. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (5) of section 455.32, Florida Statutes, is reenacted to read:

455.32 Management Privatization Act.—

(5) Any such corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the employees of the corporation are subject to the provisions of s. 112.061 and part III of chapter 112. The provisions of s. 768.28 apply to each such corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state but which is not an agency within the meaning of s. 20.03(1).

Section 32. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a

reference thereto, subsection (3) of section 456.009, Florida Statutes, is reenacted to read:

456.009 Legal and investigative services.—

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 33. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (a) of subsection (15) of section 456.076, Florida Statutes, is reenacted to read:

456.076 Impaired practitioner programs.—

(15) (a) A consultant retained pursuant to this section and a consultant's directors, officers, employees, or agents shall be considered agents of the department for purposes of s. 768.28 while acting within the scope of the consultant's duties under the contract with the department.

Section 34. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 471.038, Florida Statutes, is reenacted to read:

471.038 Florida Engineers Management Corporation.—

1226 (3) The Florida Engineers Management Corporation is
1227 created to provide administrative, investigative, and
1228 prosecutorial services to the board in accordance with the
1229 provisions of chapter 455 and this chapter. The management
1230 corporation may hire staff as necessary to carry out its
1231 functions. Such staff are not public employees for the purposes
1232 of chapter 110 or chapter 112, except that the board of
1233 directors and the staff are subject to the provisions of s.
1234 112.061. The provisions of s. 768.28 apply to the management
1235 corporation, which is deemed to be a corporation primarily
1236 acting as an instrumentality of the state, but which is not an
1237 agency within the meaning of s. 20.03(1). The management
1238 corporation shall:

1239 (a) Be a Florida corporation not for profit, incorporated
1240 under the provisions of chapter 617.

1241 (b) Provide administrative, investigative, and
1242 prosecutorial services to the board in accordance with the
1243 provisions of chapter 455, this chapter, and the contract
1244 required by this section.

1245 (c) Receive, hold, and administer property and make only
1246 prudent expenditures directly related to the responsibilities of
1247 the board, and in accordance with the contract required by this
1248 section.

1249 (d) Be approved by the board, and the department, to
1250 operate for the benefit of the board and in the best interest of

1251 the state.

1252 (e) Operate under a fiscal year that begins on July 1 of
1253 each year and ends on June 30 of the following year.

1254 (f) Have a seven-member board of directors, five of whom
1255 are to be appointed by the board and must be registrants
1256 regulated by the board and two of whom are to be appointed by
1257 the secretary and must be laypersons not regulated by the board.
1258 All appointments shall be for 4-year terms. No member shall
1259 serve more than two consecutive terms. Failure to attend three
1260 consecutive meetings shall be deemed a resignation from the
1261 board, and the vacancy shall be filled by a new appointment.

1262 (g) Select its officers in accordance with its bylaws. The
1263 members of the board of directors who were appointed by the
1264 board may be removed by the board.

1265 (h) Select the president of the management corporation,
1266 who shall also serve as executive director to the board, subject
1267 to approval of the board.

1268 (i) Use a portion of the interest derived from the
1269 management corporation account to offset the costs associated
1270 with the use of credit cards for payment of fees by applicants
1271 or licensees.

1272 (j) Operate under a written contract with the department
1273 which is approved by the board. The contract must provide for,
1274 but is not limited to:

1275 1. Submission by the management corporation of an annual

1276 budget that complies with board rules for approval by the board
1277 and the department.

1278 2. Annual certification by the board and the department
1279 that the management corporation is complying with the terms of
1280 the contract in a manner consistent with the goals and purposes
1281 of the board and in the best interest of the state. This
1282 certification must be reported in the board's minutes. The
1283 contract must also provide for methods and mechanisms to resolve
1284 any situation in which the certification process determines
1285 noncompliance.

1286 3. Funding of the management corporation through
1287 appropriations allocated to the regulation of professional
1288 engineers from the Professional Regulation Trust Fund.

1289 4. The reversion to the board, or the state if the board
1290 ceases to exist, of moneys, records, data, and property held in
1291 trust by the management corporation for the benefit of the
1292 board, if the management corporation is no longer approved to
1293 operate for the board or the board ceases to exist. All records
1294 and data in a computerized database shall be returned to the
1295 department in a form that is compatible with the computerized
1296 database of the department.

1297 5. The securing and maintaining by the management
1298 corporation, during the term of the contract and for all acts
1299 performed during the term of the contract, of all liability
1300 insurance coverages in an amount to be approved by the board to

1301 defend, indemnify, and hold harmless the management corporation
1302 and its officers and employees, the department and its
1303 employees, and the state against all claims arising from state
1304 and federal laws. Such insurance coverage must be with insurers
1305 qualified and doing business in the state. The management
1306 corporation must provide proof of insurance to the department.
1307 The department and its employees and the state are exempt from
1308 and are not liable for any sum of money which represents a
1309 deductible, which sums shall be the sole responsibility of the
1310 management corporation. Violation of this subparagraph shall be
1311 grounds for terminating the contract.

1312 6. Payment by the management corporation, out of its
1313 allocated budget, to the department of all costs of
1314 representation by the board counsel, including salary and
1315 benefits, travel, and any other compensation traditionally paid
1316 by the department to other board counsel.

1317 7. Payment by the management corporation, out of its
1318 allocated budget, to the department of all costs incurred by the
1319 management corporation or the board for the Division of
1320 Administrative Hearings of the Department of Management Services
1321 and any other cost for utilization of these state services.

1322 8. Payment by the management corporation, out of its
1323 allocated budget, to the department of reasonable costs
1324 associated with the contract monitor.

1325 (k) Provide for an annual financial audit of its financial

1326 accounts and records by an independent certified public
1327 accountant. The annual audit report shall include a management
1328 letter in accordance with s. 11.45 and a detailed supplemental
1329 schedule of expenditures for each expenditure category. The
1330 annual audit report must be submitted to the board, the
1331 department, and the Auditor General for review.

1332 (l) Provide for persons not employed by the corporation
1333 who are charged with the responsibility of receiving and
1334 depositing fee and fine revenues to have a faithful performance
1335 bond in such an amount and according to such terms as shall be
1336 determined in the contract.

1337 (m) Submit to the secretary, the board, and the
1338 Legislature, on or before October 1 of each year, a report on
1339 the status of the corporation which includes, but is not limited
1340 to, information concerning the programs and funds that have been
1341 transferred to the corporation. The report must include: the
1342 number of license applications received; the number approved and
1343 denied and the number of licenses issued; the number of
1344 examinations administered and the number of applicants who
1345 passed or failed the examination; the number of complaints
1346 received; the number determined to be legally sufficient; the
1347 number dismissed; the number determined to have probable cause;
1348 the number of administrative complaints issued and the status of
1349 the complaints; and the number and nature of disciplinary
1350 actions taken by the board.

1351 (n) Develop and submit to the department, performance
1352 standards and measurable outcomes for the board to adopt by rule
1353 in order to facilitate efficient and cost-effective regulation.

1354 **Section 35. For the purpose of incorporating the amendment**
1355 **made by this act to section 768.28, Florida Statutes, in a**
1356 **reference thereto, paragraph (b) of subsection (11) of section**
1357 **472.006, Florida Statutes, is reenacted to read:**

1358 472.006 Department; powers and duties.—The department
1359 shall:

1360 (11) Provide legal counsel for the board by contracting
1361 with the Department of Legal Affairs, by retaining private
1362 counsel pursuant to s. 287.059, or by providing department staff
1363 counsel. The board shall periodically review and evaluate the
1364 services provided by its board counsel. Fees and costs of such
1365 counsel shall be paid from the General Inspection Trust Fund,
1366 subject to ss. 215.37 and 472.011. All contracts for independent
1367 legal counsel must provide for periodic review and evaluation by
1368 the board and the department of services provided.

1369 (b) Any person retained by the department under contract
1370 to review materials, make site visits, or provide expert
1371 testimony regarding any complaint or application filed with the
1372 department relating to the practice of surveying and mapping
1373 shall be considered an agent of the department in determining
1374 the state insurance coverage and sovereign immunity protection
1375 applicability of ss. 284.31 and 768.28.

1376 **Section 36. For the purpose of incorporating the amendment**
1377 **made by this act to section 768.28, Florida Statutes, in a**
1378 **reference thereto, subsection (7) of section 497.167, Florida**
1379 **Statutes, is reenacted to read:**

1380 497.167 Administrative matters.—

1381 (7) Any person retained by the department under contract
1382 to review materials, make site visits, or provide expert
1383 testimony regarding any complaint or application filed with the
1384 department, relating to regulation under this chapter, shall be
1385 considered an agent of the department in determining the state
1386 insurance coverage and sovereign immunity protection
1387 applicability of ss. 284.31 and 768.28.

1388 **Section 37. For the purpose of incorporating the amendment**
1389 **made by this act to section 768.28, Florida Statutes, in a**
1390 **reference thereto, subsection (2) of section 513.118, Florida**
1391 **Statutes, is reenacted to read:**

1392 513.118 Conduct on premises; refusal of service.—

1393 (2) The operator of a recreational vehicle park may
1394 request that a transient guest or visitor who violates
1395 subsection (1) leave the premises immediately. A person who
1396 refuses to leave the premises commits the offense of trespass as
1397 provided in s. 810.08, and the operator may call a law
1398 enforcement officer to have the person and his or her property
1399 removed under the supervision of the officer. A law enforcement
1400 officer is not liable for any claim involving the removal of the

person or property from the recreational vehicle park under this section, except as provided in s. 768.28. If conditions do not allow for immediate removal of the person's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

Section 38. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (1) of section 548.046, Florida Statutes, is reenacted to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, or the commission representative, shall assign to each match at least one physician who shall observe the physical condition of the participants and advise the commissioner or commission representative in charge and the referee of the participants' conditions before, during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 39. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a

reference thereto, subsection (8) of section 556.106, Florida Statutes, is reenacted to read:

556.106 Liability of the member operator, excavator, and system.—

(8) Any liability of the state, its agencies, or its subdivisions which arises out of this chapter is subject to the provisions of s. 768.28.

Section 40. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (e) of subsection (4) of section 589.19, Florida Statutes, is reenacted to read:

589.19 Creation of certain state forests; naming of certain state forests; Operation Outdoor Freedom Program.—

(4)

(e)1. A private landowner who provides land for designation and use as an Operation Outdoor Freedom Program hunting site shall have limited liability pursuant to s. 375.251.

2. A private landowner who consents to the designation and use of land as part of the Operation Outdoor Freedom Program without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

3. This subsection does not:

a. Relieve any person of liability that would otherwise

1451 exist for deliberate, willful, or malicious injury to persons or
1452 property.

1453 b. Create or increase the liability of any person.

1454 **Section 41. For the purpose of incorporating the amendment**
1455 **made by this act to section 768.28, Florida Statutes, in a**
1456 **reference thereto, subsections (3) and (4) of section 627.7491,**
1457 **Florida Statutes, are reenacted to read:**

1458 627.7491 Official law enforcement vehicles; motor vehicle
1459 insurance requirements.—

1460 (3) Any suit or action brought or maintained against an
1461 employing agency for damages arising out of tort pursuant to
1462 this section, including, without limitation, any claim arising
1463 upon account of an act causing loss of property, personal
1464 injury, or death, shall be subject to the limitations provided
1465 in s. 768.28(5).

1466 (4) The requirements of this section may be met by any
1467 method authorized by s. 768.28(16).

1468 **Section 42. For the purpose of incorporating the amendment**
1469 **made by this act to section 768.28, Florida Statutes, in a**
1470 **reference thereto, paragraph (c) of subsection (2) of section**
1471 **723.0611, Florida Statutes, is reenacted to read:**

1472 723.0611 Florida Mobile Home Relocation Corporation.—

1473 (2)

1474 (c) The corporation shall, for purposes of s. 768.28, be
1475 considered an agency of the state. Agents or employees of the

1476 corporation, members of the board of directors of the
1477 corporation, or representatives of the Division of Florida
1478 Condominiums, Timeshares, and Mobile Homes shall be considered
1479 officers, employees, or agents of the state, and actions against
1480 them and the corporation shall be governed by s. 768.28.

1481 **Section 43. For the purpose of incorporating the amendment**
1482 **made by this act to section 768.28, Florida Statutes, in a**
1483 **reference thereto, subsection (5) of section 760.11, Florida**
1484 **Statutes, is reenacted to read:**

1485 760.11 Administrative and civil remedies; construction.—

1486 (5) In any civil action brought under this section, the
1487 court may issue an order prohibiting the discriminatory practice
1488 and providing affirmative relief from the effects of the
1489 practice, including back pay. The court may also award
1490 compensatory damages, including, but not limited to, damages for
1491 mental anguish, loss of dignity, and any other intangible
1492 injuries, and punitive damages. The provisions of ss. 768.72 and
1493 768.73 do not apply to this section. The judgment for the total
1494 amount of punitive damages awarded under this section to an
1495 aggrieved person shall not exceed \$100,000. In any action or
1496 proceeding under this subsection, the court, in its discretion,
1497 may allow the prevailing party a reasonable attorney's fee as
1498 part of the costs. It is the intent of the Legislature that this
1499 provision for attorney's fees be interpreted in a manner
1500 consistent with federal case law involving a Title VII action.

The right to trial by jury is preserved in any such private right of action in which the aggrieved person is seeking compensatory or punitive damages, and any party may demand a trial by jury. The commission's determination of reasonable cause is not admissible into evidence in any civil proceeding, including any hearing or trial, except to establish for the court the right to maintain the private right of action. A civil action brought under this section shall be commenced no later than 1 year after the date of determination of reasonable cause by the commission. The commencement of such action shall divest the commission of jurisdiction of the complaint, except that the commission may intervene in the civil action as a matter of right. Notwithstanding the above, the state and its agencies and subdivisions shall not be liable for punitive damages. The total amount of recovery against the state and its agencies and subdivisions shall not exceed the limitation as set forth in s. 768.28(5).

Section 44. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (4) of section 766.1115, Florida Statutes, is reenacted to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver

health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider shall continue to be an agent for purposes of s. 768.28(9) for 30 days after a determination of ineligibility to allow for treatment until the individual transitions to treatment by another health care provider. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The contract must provide that:

(a) The right of dismissal or termination of any health care provider delivering services under the contract is retained by the governmental contractor.

(b) The governmental contractor has access to the patient records of any health care provider delivering services under the contract.

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if the incidents and information pertain to a patient treated under the contract. The health care provider shall submit the reports required by s. 395.0197. If an

incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities under this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Patient selection and initial referral must be made by the governmental contractor or the provider. Patients may not be transferred to the provider based on a violation of the antidumping provisions of the Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget Reconciliation Act of 1990, or chapter 395.

(e) If emergency care is required, the patient need not be referred before receiving treatment, but must be referred within 48 hours after treatment is commenced or within 48 hours after the patient has the mental capacity to consent to treatment, whichever occurs later.

(f) The provider is subject to supervision and regular inspection by the governmental contractor.

(g) As an agent of the governmental contractor for

purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient, or a parent or guardian of the patient, to voluntarily contribute a monetary amount to cover costs of dental laboratory work related to the services provided to the patient. This contribution may not exceed the actual cost of the dental laboratory charges.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 45. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 766.112, Florida Statutes, is reenacted to read:

766.112 Comparative fault.—

(2) In an action for damages for personal injury or wrongful death arising out of medical negligence, whether in contract or tort, when an apportionment of damages pursuant to s. 768.81 is attributed to a board of trustees of a state university, the court shall enter judgment against the board of trustees on the basis of the board's percentage of fault and not on the basis of the doctrine of joint and several liability. The sole remedy available to a claimant to collect a judgment or settlement against a board of trustees, subject to the

provisions of this subsection, shall be pursuant to s. 768.28.

Section 46. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 768.1355, Florida Statutes, is reenacted to read:

768.1355 Florida Volunteer Protection Act.—

(3) Members of elected or appointed boards, councils, and commissions of the state, counties, municipalities, authorities, and special districts shall incur no civil liability and shall have immunity from suit as provided in s. 768.28 for acts or omissions by members relating to members' conduct of their official duties. It is the intent of the Legislature to encourage our best and brightest people to serve on elected and appointed boards, councils, and commissions.

Section 47. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (7) of section 768.1382, Florida Statutes, is reenacted to read:

768.1382 Streetlights, security lights, and other similar illumination; limitation on liability.—

(7) In the event that there is any conflict between this section and s. 768.81, or any other section of the Florida Statutes, this section shall control. Further, nothing in this section shall impact or waive any provision of s. 768.28.

Section 48. For the purpose of incorporating the amendment

1626 **made by this act to section 768.28, Florida Statutes, in a**
1627 **reference thereto, subsection (4) of section 768.295, Florida**
1628 **Statutes, is reenacted to read:**

1629 768.295 Strategic Lawsuits Against Public Participation
1630 (SLAPP) prohibited.—

1631 (4) A person or entity sued by a governmental entity or
1632 another person in violation of this section has a right to an
1633 expeditious resolution of a claim that the suit is in violation
1634 of this section. A person or entity may move the court for an
1635 order dismissing the action or granting final judgment in favor
1636 of that person or entity. The person or entity may file a motion
1637 for summary judgment, together with supplemental affidavits,
1638 seeking a determination that the claimant's or governmental
1639 entity's lawsuit has been brought in violation of this section.
1640 The claimant or governmental entity shall thereafter file a
1641 response and any supplemental affidavits. As soon as
1642 practicable, the court shall set a hearing on the motion, which
1643 shall be held at the earliest possible time after the filing of
1644 the claimant's or governmental entity's response. The court may
1645 award, subject to the limitations in s. 768.28, the party sued
1646 by a governmental entity actual damages arising from a
1647 governmental entity's violation of this section. The court shall
1648 award the prevailing party reasonable attorney fees and costs
1649 incurred in connection with a claim that an action was filed in
1650 violation of this section.

1651 **Section 49. For the purpose of incorporating the amendment**
1652 **made by this act to section 768.28, Florida Statutes, in a**
1653 **reference thereto, section 946.5026, Florida Statutes, is**
1654 **reenacted to read:**

1655 946.5026 Sovereign immunity in tort actions.—The
1656 provisions of s. 768.28 shall be applicable to the corporation
1657 established under this part, which is deemed to be a corporation
1658 primarily acting as an instrumentality of the state.

1659 **Section 50. For the purpose of incorporating the amendment**
1660 **made by this act to section 768.28, Florida Statutes, in a**
1661 **reference thereto, Subsection (3) of section 946.514, Florida**
1662 **Statutes, is reenacted to read:**

1663 946.514 Civil rights of inmates; inmates not state
1664 employees; liability of corporation for inmate injuries.—

1665 (3) The corporation is liable for inmate injury to the
1666 extent specified in s. 768.28; however, the members of the board
1667 of directors are not individually liable to any inmate for any
1668 injury sustained in any correctional work program operated by
1669 the corporation.

1670 **Section 51. For the purpose of incorporating the amendment**
1671 **made by this act to section 768.28, Florida Statutes, in a**
1672 **reference thereto, subsection (5), paragraph (a) of subsection**
1673 **(6), and subsection (7) of section 961.06, Florida Statutes, are**
1674 **reenacted to read:**

1675 961.06 Compensation for wrongful incarceration.—

(5) Before the department approves the application for compensation, the wrongfully incarcerated person must sign a release and waiver on behalf of the wrongfully incarcerated person and his or her heirs, successors, and assigns, forever releasing the state or any agency, instrumentality, or any political subdivision thereof, or any other entity subject to s. 768.28, from all present or future claims that the wrongfully incarcerated person or his or her heirs, successors, or assigns may have against such entities arising out of the facts in connection with the wrongful conviction for which compensation is being sought under the act.

(6) (a) A wrongfully incarcerated person may not submit an application for compensation under this act if the person has a lawsuit pending against the state or any agency, instrumentality, or any political subdivision thereof, or any other entity subject to the provisions of s. 768.28, in state or federal court requesting compensation arising out of the facts in connection with the claimant's conviction and incarceration.

(7) Any payment made under this act does not constitute a waiver of any defense of sovereign immunity or an increase in the limits of liability on behalf of the state or any person subject to the provisions of s. 768.28 or other law.

Section 52. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (h) of subsection (12) of section

1701 **1002.33, Florida Statutes, is reenacted to read:**

1702 1002.33 Charter schools.—

1703 (12) EMPLOYEES OF CHARTER SCHOOLS.—

1704 (h) For the purposes of tort liability, the charter
1705 school, including its governing body and employees, shall be
1706 governed by s. 768.28. This paragraph does not include any for-
1707 profit entity contracted by the charter school or its governing
1708 body.

1709 **Section 53. For the purpose of incorporating the amendment**
1710 **made by this act to section 768.28, Florida Statutes, in a**
1711 **reference thereto, paragraph (b) of subsection (6) of section**
1712 **1002.333, Florida Statutes, is reenacted to read:**

1713 1002.333 Persistently low-performing schools.—

1714 (6) STATUTORY AUTHORITY.—

1715 (b) For the purposes of tort liability, the hope operator,
1716 the school of hope, and its employees or agents shall be
1717 governed by s. 768.28. The sponsor shall not be liable for civil
1718 damages under state law for the employment actions or personal
1719 injury, property damage, or death resulting from an act or
1720 omission of a hope operator, the school of hope, or its
1721 employees or agents. This paragraph does not include any for-
1722 profit entity contracted by the charter school or its governing
1723 body.

1724 **Section 54. For the purpose of incorporating the amendment**
1725 **made by this act to section 768.28, Florida Statutes, in a**

reference thereto, subsection (17) of section 1002.34, Florida Statutes, is reenacted to read:

1002.34 Charter technical career centers.—

(17) IMMUNITY.—For the purposes of tort liability, the governing body and employees of a center are governed by s. 768.28.

Section 55. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 1002.351, Florida Statutes, is reenacted to read:

1002.351 The Florida School for Competitive Academics.—

(3) BOARD OF TRUSTEES.—

(c) The board of trustees is a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members are public officers who bear fiduciary responsibility for the Florida School for Competitive Academics.

Section 56. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 1002.37, Florida Statutes, is reenacted to read:

1002.37 The Florida Virtual School.—

(2) The Florida Virtual School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s.

1751 768.28, and board members shall be public officers who shall
1752 bear fiduciary responsibility for the Florida Virtual School.
1753 The board of trustees shall have the following powers and
1754 duties:

1755 (a)1. The board of trustees shall meet at least 4 times
1756 each year, upon the call of the chair, or at the request of a
1757 majority of the membership.

1758 2. The fiscal year for the Florida Virtual School shall be
1759 the state fiscal year as provided in s. 216.011(1)(q).

1760 (b) The board of trustees shall be responsible for the
1761 Florida Virtual School's development of a state-of-the-art
1762 technology-based education delivery system that is cost-
1763 effective, educationally sound, marketable, and capable of
1764 sustaining a self-sufficient delivery system through the Florida
1765 Education Finance Program.

1766 (c) The board of trustees shall aggressively seek avenues
1767 to generate revenue to support its future endeavors, and shall
1768 enter into agreements with distance learning providers. The
1769 board of trustees may acquire, enjoy, use, and dispose of
1770 patents, copyrights, and trademarks and any licenses and other
1771 rights or interests thereunder or therein. Ownership of all such
1772 patents, copyrights, trademarks, licenses, and rights or
1773 interests thereunder or therein shall vest in the state, with
1774 the board of trustees having full right of use and full right to
1775 retain the revenues derived therefrom. Any funds realized from

1776 patents, copyrights, trademarks, or licenses shall be considered
1777 internal funds as provided in s. 1011.07. Such funds shall be
1778 used to support the school's marketing and research and
1779 development activities in order to improve courseware and
1780 services to its students.

1781 (d) The board of trustees shall be responsible for the
1782 administration and control of all local school funds derived
1783 from all activities or sources and shall prescribe the
1784 principles and procedures to be followed in administering these
1785 funds.

1786 (e) The Florida Virtual School may accrue supplemental
1787 revenue from supplemental support organizations, which include,
1788 but are not limited to, alumni associations, foundations,
1789 parent-teacher associations, and booster associations. The
1790 governing body of each supplemental support organization shall
1791 recommend the expenditure of moneys collected by the
1792 organization for the benefit of the school. Such expenditures
1793 shall be contingent upon the review of the executive director.
1794 The executive director may override any proposed expenditure of
1795 the organization that would violate Florida law or breach sound
1796 educational management.

1797 (f) In accordance with law and rules of the State Board of
1798 Education, the board of trustees shall administer and maintain
1799 personnel programs for all employees of the board of trustees
1800 and the Florida Virtual School. The board of trustees may adopt

1801 rules, policies, and procedures related to the appointment,
1802 employment, and removal of personnel.

1803 1. The board of trustees shall determine the compensation,
1804 including salaries and fringe benefits, and other conditions of
1805 employment for such personnel.

1806 2. The board of trustees may establish and maintain a
1807 personnel loan or exchange program by which persons employed by
1808 the board of trustees for the Florida Virtual School as academic
1809 administrative and instructional staff may be loaned to, or
1810 exchanged with persons employed in like capacities by, public
1811 agencies either within or without this state, or by private
1812 industry. With respect to public agency employees, the program
1813 authorized by this subparagraph shall be consistent with the
1814 requirements of part II of chapter 112. The salary and benefits
1815 of board of trustees personnel participating in the loan or
1816 exchange program shall be continued during the period of time
1817 they participate in a loan or exchange program, and such
1818 personnel shall be deemed to have no break in creditable or
1819 continuous service or employment during such time. The salary
1820 and benefits of persons participating in the personnel loan or
1821 exchange program who are employed by public agencies or private
1822 industry shall be paid by the originating employers of those
1823 participants, and such personnel shall be deemed to have no
1824 break in creditable or continuous service or employment during
1825 such time.

1826 3. The employment of all Florida Virtual School academic
1827 administrative and instructional personnel shall be subject to
1828 rejection for cause by the board of trustees, and shall be
1829 subject to policies of the board of trustees relative to
1830 certification, tenure, leaves of absence, sabbaticals,
1831 remuneration, and such other conditions of employment as the
1832 board of trustees deems necessary and proper, not inconsistent
1833 with law.

1834 4. Each person employed by the board of trustees in an
1835 academic administrative or instructional capacity with the
1836 Florida Virtual School shall be entitled to a contract as
1837 provided by rules of the board of trustees.

1838 5. All employees except temporary, seasonal, and student
1839 employees may be state employees for the purpose of being
1840 eligible to participate in the Florida Retirement System and
1841 receive benefits. The classification and pay plan, including
1842 terminal leave and other benefits, and any amendments thereto,
1843 shall be subject to review and approval by the Department of
1844 Management Services and the Executive Office of the Governor
1845 prior to adoption.

1846 (g) The board of trustees shall establish priorities for
1847 admission of students in accordance with paragraph (1)(b).

1848 (h) The board of trustees shall establish and distribute
1849 to all school districts and high schools in the state procedures
1850 for enrollment of students in courses offered by the Florida

1851 Virtual School.

1852 (i) The board of trustees shall establish criteria
1853 defining the elements of an approved franchise. The board of
1854 trustees may enter into franchise agreements with Florida
1855 district school boards and may establish the terms and
1856 conditions governing such agreements. The board of trustees
1857 shall establish the performance and accountability measures and
1858 report the performance of each school district franchise to the
1859 Commissioner of Education.

1860 (j) The board of trustees shall submit to the State Board
1861 of Education both forecasted and actual enrollments and credit
1862 completions for the Florida Virtual School, according to
1863 procedures established by the State Board of Education. At a
1864 minimum, such procedures must include the number of public,
1865 private, and home education students served by program and by
1866 county of residence.

1867 (k) The board of trustees shall provide for the content
1868 and custody of student and employee personnel records. Student
1869 records shall be subject to the provisions of s. 1002.22.
1870 Employee records shall be subject to the provisions of s.
1871 1012.31.

1872 (l) The financial records and accounts of the Florida
1873 Virtual School shall be maintained under the direction of the
1874 board of trustees and under rules adopted by the State Board of
1875 Education for the uniform system of financial records and

accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

Section 57. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (1) of subsection (3) of section 1002.55, Florida Statutes, is reenacted to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program,

1901 a private prekindergarten provider must meet each of the
1902 following requirements:

1903 (1) Notwithstanding paragraph (j), for a private
1904 prekindergarten provider that is a state agency or a subdivision
1905 thereof, as defined in s. 768.28(2), the provider must agree to
1906 notify the coalition of any additional liability coverage
1907 maintained by the provider in addition to that otherwise
1908 established under s. 768.28. The provider shall indemnify the
1909 coalition to the extent permitted by s. 768.28. Notwithstanding
1910 paragraph (j), for a child development program that is
1911 accredited by a national accrediting body and operates on a
1912 military installation that is certified by the United States
1913 Department of Defense, the provider may demonstrate liability
1914 coverage by affirming that it is subject to the Federal Tort
1915 Claims Act, 28 U.S.C. ss. 2671 et seq.

1916 **Section 58. For the purpose of incorporating the amendment**
1917 **made by this act to section 768.28, Florida Statutes, in a**
1918 **reference thereto, subsection (10) of section 1002.83, Florida**
1919 **Statutes, is reenacted to read:**

1920 1002.83 Early learning coalitions.—

1921 (10) For purposes of tort liability, each member or
1922 employee of an early learning coalition shall be governed by s.
1923 768.28.

1924 **Section 59. For the purpose of incorporating the amendment**
1925 **made by this act to section 768.28, Florida Statutes, in a**

reference thereto, paragraph (p) of subsection (1) of section 1002.88, Florida Statutes, is reenacted to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(p) Notwithstanding paragraph (m), for a provider that is a state agency or a subdivision thereof, as defined in s.

768.28(2), agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28.

Notwithstanding paragraph (m), for a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

Section 60. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (1) of section 1006.24, Florida Statutes, is reenacted to read:

1006.24 Tort liability; liability insurance.—

(1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a

1951 school bus or other motor vehicle owned, maintained, operated,
1952 or used by the district school board to transport persons, to
1953 the same extent and in the same manner as the state or any of
1954 its agencies or subdivisions is liable for tort claims under s.
1955 768.28, except that the total liability to persons being
1956 transported for all claims or judgments of such persons arising
1957 out of the same incident or occurrence shall not exceed an
1958 amount equal to \$5,000 multiplied by the rated seating capacity
1959 of the school bus or other vehicle, as determined by rules of
1960 the State Board of Education, or \$100,000, whichever is greater.
1961 The provisions of s. 768.28 apply to all claims or actions
1962 brought against district school boards, as authorized in this
1963 subsection.

1964 **Section 61. For the purpose of incorporating the amendment**
1965 **made by this act to section 768.28, Florida Statutes, in a**
1966 **reference thereto, paragraph (b) of subsection (2) of section**
1967 **1006.261, Florida Statutes, is reenacted to read:**

1968 1006.261 Use of school buses for public purposes.—

1969 (2)

1970 (b) For purposes of liability for negligence, state
1971 agencies or subdivisions as defined in s. 768.28(2) shall be
1972 covered by s. 768.28. Every other corporation or organization
1973 shall provide liability insurance coverage in the minimum
1974 amounts of \$100,000 on any claim or judgment and \$200,000 on all
1975 claims and judgments arising from the same incident or

CS/HB 301

2025

1976 | occurrence.

1977 | **Section 62.** This act shall take effect October 1, 2025.

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 301](#)

TITLE: Suits Against the Government

SPONSOR(S): McFarland

COMPANION BILL: [SB 1570](#) (DiCeglie)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

17 Y, 1 N



[Budget](#)

25 Y, 3 N



[Judiciary](#)

19 Y, 3 N, As CS

SUMMARY

Effect of the Bill:

CS/HB 301 increases the existing caps on the recovery of awards against a governmental entity. For a claim that accrues between October 1, 2025, and September 30, 2030, the cap is increased to \$500,000 per person from \$200,000 and the cap for multiple claims or judgments arising out of the same incident is increased to \$1,000,000 from \$300,000; the bill provides for one automatic increase in the caps for claims accruing on or after October 1, 2030. The limitations of liability in effect on the date the claim accrues apply to the claim.

The bill permits a subdivision of the state to settle a claim or judgment in excess of the caps without requiring the subdivision to seek further action by the Legislature.

The bill prohibits an insurance policy, beginning October 1, 2025, from conditioning the payment of benefits or the coverage of liability on the enactment of a claim bill. The bill also revises certain statutes of limitation and presuit procedures for certain types of claims against government entities.

Fiscal or Economic Impact:

The bill will likely have an indeterminate, significant negative fiscal impact on state and local governments.

JUMP TO

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

Statutory Caps

CS/HB 301 amends [s. 768.28, F.S.](#), relating to the state's limited waiver of [sovereign immunity](#) which allows for suits in [tort](#) against the state and its agencies and subdivisions, subject to statutory caps. The bill increases the [statutory caps](#) on judgments against the state or an [agency](#) or [subdivision](#) thereof on a graduated basis. For claims accruing between October 1, 2025, and September 30, 2030, the caps are increased from \$200,000 per person and \$300,000 per incident to \$500,000 per person and \$1,000,000 per incident. The bill includes a one-time automatic increase to the caps beginning on October 1, 2030, to \$600,000 per person and \$1,100,000 per incident. (Section [1](#)).

The bill clarifies that when determining liability limits for a claim, the caps in effect on the date the claim [accrues](#) will apply to the underlying claim. (Section [1](#)).

Settlement of Claims or Judgments Which Exceed Statutory Caps

The bill permits a subdivision of the state, which includes a county, city, municipality, special district, or other similar entity to choose to settle a claim or judgment which exceeds the caps without seeking further action by the Legislature. Thus, if a subdivision wishes to pay a judgment rendered against it in excess of the caps, it may do so without going through the [claim bill](#) process and, ultimately, without seeking legislative approval. (Section [1](#)).

STORAGE NAME: h0301f.JDC

DATE: 4/8/2025

Insurance Policies

The bill prohibits an insurance policy from conditioning the liability coverage or the payment of benefits on the enactment of a claim bill. Specifically, an insurance policy may not be issued or delivered to the state, a state agency, or a subdivision of the state, which conditions the coverage or satisfaction of benefits on the matter going through the legislative claim bill process. Any such provision in a policy will be null and void. This prohibition applies to any insurance policy issued for delivery or delivered on or after October 1, 2025. (Section [1](#)).

Timeframes for Filing an Action

The bill changes the current general four-year [statute of limitations](#) or filing a claim against the state or its agencies or subdivisions to the following timeframes:

- For claims based on [negligence](#): the claim must be filed within two years.¹
- For claims based on [contribution](#): the claim must be filed within the limitations established in [s. 768.31\(4\), F.S.](#)
- For claims based on [medical malpractice](#) or [wrongful death](#): the claim must be filed within the limitations established in [s. 95.11\(4\), F.S.](#)
- For claims based on [sexual battery](#) on a victim under 16: the claim may be filed at any time; however, this does not resuscitate any claims that may have already been time barred by previous statutes of limitations.
- For any other claim: the claim must be filed within four years. (Section [1](#)).

To accommodate these changes in the statutes of limitations, the bill decreases the allotted [presuit notice](#) period for a claimant to present the required written notice of the claim to the appropriate agency from three years to 18 months. Similarly, the bill decreases the time period in which a claimant must present written notice of a claim for wrongful death from two years to 18 months. However, if the claim is based on a sexual battery of a victim under the age of 16, in violation of s. 794.011, the claimant may present written notice of the claim at any time. (Section [1](#)).

The bill also decreases from six months to four months the time period in which the Department of Financial Services (DFS) or the appropriate agency must dispose of a presuit notice of a claim. As such, the responding agency must dispose of a claim within four months of a claim being filed or it is deemed a final denial (thus allowing the claimant to move forward with a civil suit). However, the bill does not change the time period by which an agency must dispose of a claim for medical malpractice or wrongful death. As such, a final disposition for a claim made for medical malpractice or wrongful death must still be made within 90 days from the date of filing or it is deemed a final denial of the claim. (Section [1](#)).

The bill provides that the statute of limitations for all prospective defendants, not just those in medical malpractice or wrongful death actions, is tolled for the period of time taken by the agency to deny the claim.² (Section [1](#)).

The bill amends [s. 944.713\(2\), F.S.](#), clarifying that the maximum amount for which a private vendor that contracts to build, lease, or operate a correctional facility must indemnify the state for certain incurred liabilities is the amount of the sovereign immunity caps as provided in the bill. (Section [2](#)).

The bill reenacts a number of statutes for the purpose of incorporating the changes made by the language of the bill. (Sections 3-61).

The bill has an effective date of October 1, 2025. (Section [62](#)).

¹ This two-year period is the same as the statute of limitations for bringing a negligence claim against a private party. See [s. 95.11\(4\)\(a\), F.S.](#)

² "To toll" means to stop the running of a time period, especially a time period set by a statute of limitations. Cornell Law School: Legal Information Institute, *Toll*, <https://www.law.cornell.edu/wex/toll#:~:text=To%20toll%20means%20to%20stop,by%20a%20statute%20of%20limitations%20>. (last visited Feb. 11, 2025).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

By increasing the sovereign immunity caps, the bill increases the possibility that the state and its agencies will spend more of their resources to satisfy tort claims. The provision of larger payments in satisfaction of tort claims, however, may also reduce the demand for other government services that would have otherwise been necessary to assist claimants.

By reducing the statute of limitations for suits against the government arising in negligence, the bill may reduce the number of cases initiated and consequently the potential damages sought by claimants from the government. Further, by reducing the pre-suit time period for a government entity or DFS to review and dispose of a claim against the state, the bill may affect the pre-suit settlement process.

By increasing the statute of limitations for sexual battery on a victim under 16 to an indefinite period in which an alleged victim may bring a claim, the bill may increase the number of claims against the government for such sexual battery.

LOCAL GOVERNMENT:

The costs resulting from increasing sovereign immunity caps, prohibiting the conditioning of certain insurance payments on the enactment of a claims bill, and changing a local government's ability to settle claims without regard to any statutory limit on damages under [s. 768.28, F.S.](#), are indeterminate, but may result in increased expenditures for local governments related to insurance premiums, settlements, awards, and other legal costs.

PRIVATE SECTOR:

The bill may enable more individuals who have tort claims against the state or one of its agencies or subdivisions to receive larger payments without the need to pursue a claim bill. The ability to collect larger settlements or judgments against government entities may also serve as an incentive for private attorneys to represent claimants in these matters. However, the bill may reduce government services to the public in proportion to additional amounts required from the budget to satisfy tort claims.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Civil Tort Action](#)

One of the goals of the civil justice system is to redress tortious conduct, or "torts." A tort is a wrong for which the law provides a remedy. Torts are generally divided into two categories, as follows:

- An intentional tort, examples of which include an assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the party seeking the remedy, the "plaintiff," must demonstrate that the:
 - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks;
 - Defendant breached his or her duty of care by failing to conform to the required standard;
 - Defendant's breach caused the plaintiff to suffer an injury; and
 - Plaintiff suffered actual damage or loss resulting from such injury.³

[Sovereign Immunity](#)

³ 6 *Florida Practice Series* s. 1.1; see *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508 (Fla. 2020).

Sovereign immunity is a principle under which a government cannot be sued without its consent.⁴ Article X, section 13 of the Florida Constitution allows the Legislature to waive this immunity. In accordance with art. X, s. 13 of the Florida Constitution, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting in the scope of employment.⁵ This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under section [768.28, F.S.](#), applies only to “injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment.”⁶

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken in the scope of employment, unless the damages result from the employee’s acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.⁷ A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment, and is not liable for damages resulting from actions committed by the employee in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.⁸

[Statutory Caps on Recovery of Damages](#)

Under current law, s. [768.28\(5\), F.S.](#), caps damages recoverable in a tort action against a governmental entity at \$200,000 per person and \$300,000 per incident.⁹ Although a court may enter an excess judgment, absent a claim bill passed by the Legislature, a claimant may not actually collect more than the caps provide.¹⁰

[State Agency](#)

A state agency means any department, agency, or instrumentality of a state or of a political subdivision of a state. Generally, a state agency is a government department, office, or board that operates within a state; state agencies are responsible for carrying out laws enacted by the state legislature. Some examples of current state agencies include:

- Agency for Health Care Administration (AHCA);
- Agency for Persons with Disabilities (APD);
- Commission on Ethics;
- Department of Management Services (DMS);
- Department of Military Affairs (DMA);
- Division of Administrative Hearings (DOAH);
- Florida Agricultural and Mechanical University (FAMU);
- Florida Atlantic University (FAU);
- Florida Citrus;
- Florida Commerce (formerly the Florida Department of Economic Opportunity or DEO);
- Florida Commission on Human Relations (FCHR);
- Florida Commission on Offender Review (Parole Commission);
- Florida Department of Agriculture and Consumer Services (FDACS);
- Florida Department of Business and Professional Regulation (DBPR);
- Florida Department of Children and Families (DCF);
- Florida Department of Corrections (DOC);
- Florida Department of Education (DOE);

⁴ *Sovereign immunity*, Legal Information Institute, https://www.law.cornell.edu/wex/sovereign_immunity (last visited Feb. 11, 2025).

⁵ [S. 768.28\(1\), F.S.](#)

⁶ *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting [s. 768.28\(1\), F.S.](#)) (internal punctuation omitted).

⁷ [S. 768.28\(9\)\(a\), F.S.](#)

⁸ [S. 768.28, F.S.](#)

⁹ [S. 768.28\(5\), F.S.](#)

¹⁰ *Breaux v. City of Miami Beach*, 899 So. 2d 1059 (Fla. 2005).

- Florida Department of Elder Affairs;
- Florida Department of Environmental Protection (DEP);
- Florida Department of Financial Services (DFS);
- Florida Department of Health (DOH);
- Florida Department of Highway Safety and Motor Vehicles (DHSMV);
- Florida Department of Juvenile Justice (DJJ);
- Florida Department of Law Enforcement (FDLE);
- Florida Department of Legal Affairs (Office of the Attorney General or AOG);
- Florida Department of Revenue (DOR);
- Florida Department of State (DOS);
- Florida Department of Transportation (FDOT);
- Florida Department of Veterans' Affairs;
- Florida Division of Emergency Management;
- Florida Fish and Wildlife Conservation Commission (FWC);
- Florida Gulf Coast University (FGCU);
- Florida Housing Finance Corporation;
- Florida International University (FIU);
- Florida Lottery;
- Florida Office of Financial Regulation (OFR);
- Florida Office of Insurance Regulation (FLOIR);
- Florida Polytechnic University;
- Florida Public Service Commission (PSC);
- Florida School for the Deaf and the Blind;
- Florida State University (FSU);
- New College of Florida;
- University of Central Florida (UCF);
- University of Florida (UF);
- University of North Florida (UNF);
- University of South Florida (USF); and
- University of West Florida (UWF).¹¹

Subdivision

A political subdivision is a separate legal entity of the State which usually has specific governmental functions.¹² Section [218.077\(2\)\(f\), F.S.](#), defines a political subdivision as a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law. Local governments are incorporated by special acts of the Florida Legislature and include counties, municipalities, school districts, and special districts.¹³

Legislative Claim Bill

A plaintiff may recover an amount greater than the caps described in [s. 768.28\(5\), F.S.](#), by way of a legislative claim bill. A claim bill is not an action at law, but rather is a legislative measure that directs the Chief Financial Officer, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation.¹⁴ Such obligations typically arise from the negligence of officers or employees of the State or a local governmental entity.¹⁵ Legislative claim bills are typically pursued after procurement of a judgment or settlement in an action at law where the full amount of damages awarded cannot be satisfied because of statutory

¹¹ Florida Executive Office of the Governor, *Info Center: State Agencies*, <https://www.flgov.com/eog/info/agencies> (last visited Feb. 11, 2025).

¹² Social Security Administration, *How to Determine an Entity's Legal Status*, https://www.ssa.gov/section218training/advanced_course_9.htm#3 (last visited Feb. 11, 2025).

¹³ Susan A. MacManus, et al, *Politics in Florida*, (4th ed. 2015).

¹⁴ *Wagner v. Orange Cty.*, 960 So. 2d 785, 788 (Fla. 5th DCA 2007).

¹⁵ *Id.*

caps.¹⁶ The amount awarded is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable.¹⁷ Unlike civil judgments, claim bills are not obtainable by right upon the claimant's proof of his entitlement; rather, they are granted as a matter of legislative grace.¹⁸

Once a legislative claim bill is formally introduced, a special master¹⁹ usually conducts a quasi-judicial hearing.²⁰ This hearing may resemble a trial during which the claimant offers testimony as well as documentary and physical evidence necessary to establish the claim. Trial records may be substituted for witness testimony. Testifying witnesses are sworn and subject to cross-examination.²¹ A respondent may present a defense to contest the claim, and the special master may then prepare a report with an advisory recommendation to the Legislature if the bill is placed on an agenda.²²

Alternatively, a government entity may, without the need for a claim bill, settle a claim or pay a judgment against it for an amount in excess of the caps in [s. 768.28, F.S.](#), but only if that amount is within the limits of its insurance coverage.²³

[Accrual of a Claim](#)

An important date for the purpose of a claim bill is the date the claim accrues. Under [s. 95.031\(1\), F.S.](#), a claim accrues when the last element constituting the cause of action occurs. In a negligence claim, the cause of action accrues "upon the happening of an accident and the attendant injuries."²⁴ Further, [s. 768.28\(6\)\(b\), F.S.](#), specifies that the requirements of notice to an agency and denial of the claim required under sovereign immunity are not deemed to be elements of the cause of action and do not affect the date on which the cause of action accrues.

[Statutes of Limitations](#)

A statute of limitations is an absolute bar to the filing of a lawsuit after a date set by law. A statute of limitations specifies when such time period begins, how long the limitation period runs, and the circumstances by which the running of the statute may be "tolled," or suspended. A statute of limitations usually begins to run when a cause of action accrues, which generally, is when the harm occurs.

Section [95.11\(3\)\(a\), F.S.](#), currently provides that general actions against a private citizen or entity founded on negligence are subject to a two-year statute of limitations.

[Contribution](#)

Section [768.31, F.S.](#), provides for the right to contribution. Generally, contribution is a legal action that allows a tortfeasor to collect from others responsible for the same tort after the tortfeasor has paid more than his or her pro rata share of the damages. No single tortfeasor is compelled to make contribution beyond his or her own pro rata share of the entire liability.²⁵

An action for contribution must be filed within one year after the judgment has become final by lapse of time for appeal or after appellate review.²⁶

¹⁶ *City of Miami v. Valdez*, 847 So. 2d 1005 (Fla. 3d DCA 2003).

¹⁷ *Wagner*, 960 So. 2d at 788 (citing Kahn, Legislative Claim Bills, Fla. B. Journal (April 1988)).

¹⁸ *United Servs. Auto. Ass'n v. Phillips*, 740 So. 2d 1205, 1209 (Fla. 2d DCA 1999).

¹⁹ The "Special Master" is a role appointed by the Speaker of the House of Representatives and the Senate President, respectively. The special master oversees factfinding, which may include holding a de novo hearing on the claim which is administrative in nature, and may prepare a report and recommendation to the respective chamber. See House Rule 5.6.

²⁰ *Wagner*, 960 So. 2d at 788 (citing Kahn at 26).

²¹ *Id.*

²² *Id.*

²³ [S. 768.28\(5\), F.S.](#)

²⁴ *Dep't. of Transp. v. Soldovere*, 519 So. 2d 616 (Fla. 1988).

²⁵ [S. 768.31, F.S.](#)

²⁶ [S. 768.31\(4\)\(c\), F.S.](#)

[Medical Malpractice](#)

Section [766.102, F.S.](#), provides for the recovery of damages based on the death or personal injury of any person in which it is alleged the injury resulted from the negligence of a health care provider. In a medical malpractice case, the claimant has the burden of proving by a greater weight of the evidence that the alleged actions of the provider represented a breach in the prevailing professional standard of care for that healthcare provider.²⁷

An action for medical malpractice must be filed within two years from the time the incident giving rise to the action occurred or within two years from the time the incident is discovered, or should have been discovered with the exercise of due diligence.²⁸ However, generally, no medical malpractice action may be filed more than four years after the date of the incident or occurrence out of which the cause of action accrued.²⁹

[Wrongful Death](#)

Generally, an action for wrongful death may be brought when a person dies due to the wrongful act, negligence, default, or breach of contract or warranty of any person, and the event would have entitled the person injured to bring an action and recover damages if the death had not ensued.³⁰ An action for wrongful death must be initiated within two years from the death of the subject person.³¹

[Civil Claim for Sexual Battery](#)

Section [794.011, F.S.](#), establishes the criminal offense of sexual battery. Pursuant to statute, sexual battery means oral, anal, or female genital penetration, by or union with, the sexual organ of another or the anal or female genital penetration of another by any other object. The definition of sexual battery, however, does not include an act done for a bona fide medical purpose. Sexual battery by an adult (18 years of age or older) upon another adult is a first-degree felony punishable, in general, by imprisonment for up to 30 years and a fine of up to \$10,000.³² The penalties for sexual battery are increased for victims under the age of 18, vulnerable victims, and habitual offenders.

Section [95.11, F.S.](#), provides statutes of limitation for various types of civil actions. In 2010, the Legislature amended [s. 95.11, F.S.](#), to remove any statute of limitations applying to a civil action against a private entity for sexual battery if the victim was under 16 at the time of the crime.³³ The Legislature provided, however, that this amendment would not resuscitate any civil claims that were already barred by the statute of limitations at the time.³⁴

[Presuit Procedures](#)

Before a claimant files a lawsuit against a government entity, the claimant generally must present the claim in writing to the government entity within a time period prescribed by law, which is generally three years.³⁵ If the claim is brought against the state, the claimant must also present the claim to the Department of Financial Services (DFS). The government entity generally then has six months to review the claim. If the government entity does not dispose of the claim within that six-month period, the claimant may generally proceed with the lawsuit.³⁶

²⁷ S. [766.102\(1\), F.S.](#)

²⁸ S. [766.102\(1\), F.S.](#)

²⁹ S. [95.11\(5\)\(c\), F.S.](#)

³⁰ S. [768.19, F.S.](#)

³¹ S. [95.11\(5\)\(e\), F.S.](#)

³² Ss. [775.082, F.S.](#) and [775.083, F.S.](#)

³³ Ch. 2010-54, s. 1, Laws of Fla.; [s. 95.11\(9\), F.S.](#)

³⁴ *Id.* ("This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010").

³⁵ See [s. 768.28\(6\)\(a\), F.S.](#)

³⁶ See [s. 768.28\(6\)\(d\), F.S.](#)

OTHER RESOURCES:

[Legislative Claim Bill Manual 2024](#)

[National Association of Attorneys General: State Sovereign Immunity Nationwide](#)

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	17 Y, 1 N	2/19/2025	Jones	Mathews
Budget Committee	25 Y, 3 N	3/20/2025	Pridgeon	Willson
Judiciary Committee	19 Y, 3 N, As CS	4/8/2025	Kramer	Mathews
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none">Amended the sovereign immunity caps for an incident which accrues after October 1, 2025 to \$500,000 per person and \$1,000,000 per incident.Amended the sovereign immunity caps for an incident which accrues after October 1, 2030 to \$600,000 per person and \$1,100,000 per incident.			

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.



Interoperable Emergency Communications

Florida League of Cities

Municipal Operations Policy Committee

DRAFT Policy Statement Recommendation

Interoperability

Draft Statement: The Florida League of Cities SUPPORTS establishing a statewide Public Safety Communications Strategy that ensures interoperable, resilient, sustainable, and high-quality emergency communications systems. This approach preserves taxpayer investments, promotes coordination among public safety agencies, and guarantees that every 911 call receives a rapid and effective response.

Background: The strategy lays out a statewide framework to ensure Florida's emergency communications systems are interoperable, resilient, sustainable, and high-performing, while still respecting local investments and community needs. The vision is that every 911 caller should receive rapid, accurate, and professional service supported by seamless coordination among all public safety agencies.

The plan is built on five guiding principles: maintaining local autonomy with accountability, adopting standards with flexibility to serve diverse communities, preserving existing local systems where possible, fostering collaborative rulemaking through a multi-agency workgroup, and ensuring sustainability and survivability through strong funding, cybersecurity, and disaster preparedness measures.

Three core systems form the backbone of the strategy. First, Next-Generation 911 (NG911) will enable voice, text, images, and video, supported by accurate caller location tools and resilient backup capacity. Second, Computer-Aided Dispatch (CAD) systems must become interoperable across jurisdictions, integrating GIS mapping, mobile responder apps, analytics, and emergency medical protocols while allowing local customization. Third, radio communications must ensure all agencies within a county can communicate seamlessly, supported by redundancies, standardized incident protocols, and shared talk groups for multi-agency events.

Finally, the plan emphasizes best practices such as documented Standard Operating Procedure, ongoing workforce training, robust cybersecurity, and routine performance monitoring. The next steps include aligning policies with national standards, developing funding mechanisms, and implementing a phased statewide rollout with scheduled reviews.

Last year, SB 1554 and HB 1211 both began as public safety bills, mandating the consolidation of all 911 call centers under county sheriffs by July 1, 2029, prohibiting cities from opting out, and requiring cities to share costs on a population-based formula if a sheriff declined participation.

1 A bill to be entitled
2 An act relating to public safety; providing a short
3 title; amending s. 20.201, F.S.; establishing a
4 Counterterrorism/Counterintelligence Unit within the
5 Department of Law Enforcement; amending s. 111.09,
6 F.S.; revising the terms "affiliated first responder
7 organization" and "first responder" to include
8 additional personnel in provisions relating to peer
9 support for first responders; creating s. 111.11,
10 F.S.; defining the term "first responder"; prohibiting
11 first responder employment discrimination; providing
12 that prohibited discrimination may be inferred solely
13 from the disparate impact of employment decisions or
14 practices on the members of a group; authorizing civil
15 actions; providing damages, including punitive
16 damages, reasonable attorney fees, and costs;
17 providing for remedies in cases of denied promotion;
18 amending s. 365.171, F.S.; revising legislative intent
19 relating to 911 systems; requiring consolidation of
20 certain 911 systems in counties under the sheriff;
21 authorizing sheriffs to opt out of such consolidation;
22 providing requirements for consolidated systems;
23 requiring the department to negotiate and establish a
24 preferred price list for certain equipment; creating
25 s. 365.1795, F.S.; requiring a 911 call center to

26 dispatch the closest unit to an emergency regardless
27 of jurisdiction; requiring an agency to sign a certain
28 memorandum of understanding by a specified date;
29 providing requirements for the reimbursement of
30 certain costs; amending ss. 937.021 and 937.022, F.S.;
31 revising requirements for the reporting of missing
32 persons information; creating s. 943.0322, F.S.;
33 requiring the department to establish and operate a
34 Counterterrorism/Counterintelligence Unit; providing
35 requirements for such unit; amending s. 943.131, F.S.;
36 providing an exemption from certain law enforcement
37 basic training requirements for persons who have
38 served as intelligence or counterintelligence officers
39 or agents for a specified time period; providing
40 requirements for verification of qualifications;
41 creating s. 943.1714, F.S.; requiring certain basic
42 skills training in resilience for law enforcement
43 officers; authorizing first responder amputees to
44 continue to serve as first responders in certain
45 circumstances; creating the Florida Medal of Valor and
46 the Florida Blue/Red Heart Medal; providing
47 requirements for such medals; requiring the department
48 to study the viability, necessity, and possibility of
49 creating hurricane-hardened public safety operations
50 centers; providing requirements for such centers;

51 requiring a report; creating the Florida Department of
52 Public Safety Consolidation Task Force within the
53 department for specified purpose; providing for
54 membership; requiring the task force to prepare and
55 submit a report to certain persons by a specified
56 date; requiring the task force to establish a Florida
57 Department of Public Safety; providing for
58 administrative support; providing for future repeal;
59 providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 **Section 1.** This act may be cited as the "Florida First
64 Responder and Florida Public Safety Act."

65 **Section 2. Paragraph (e) is added to subsection (2) of**
66 **section 20.201, Florida Statutes, to read:**

67 20.201 Department of Law Enforcement.—

68 (2) The following programs of the Department of Law
69 Enforcement are established:

70 (e) Counterterrorism/Counterintelligence Unit.

71 **Section 3. Paragraphs (a) and (b) of subsection (1) of**
72 **section 111.09, Florida Statutes, are amended to read:**

73 111.09 Peer support for first responders.—

74 (1) For purposes of this section, the term:

75 (a) "Affiliated first responder organization" includes,

but is not limited to, any of the following organizations:

1. Regularly organized volunteer firefighting departments or associations.

2. Regularly organized volunteer ambulance services.

3. Combination fire departments, as that term is defined in s. 633.135(1).

4. An organization of prosecutors.

5. An organization of crime scene technicians.

(b) "First responder" has the same meaning as provided in s. 112.1815 and includes 911 public safety telecommunicators as defined in s. 401.465, correctional officers as defined in s. 943.10(2), ~~and~~ correctional probation officers as defined in s. 943.10(3), prosecutors, crime scene technicians, and judges and their clerks who deal with criminal matters.

Section 4. Section 111.11, Florida Statutes, is created to read:

111.11 Employment of first responders; discrimination prohibited.—

(1) As used in this section, the term "first responder" has the same meaning as in s. 112.1815(1).

(2) An employing agency of first responders may not discriminate in hiring, promotion, or any other employment decision or practice on any basis prohibited in s. 760.10, including following any diversity, equity, or inclusion policy or practice, whether formal or informal, that results in such

101 discrimination.

102 (3) (a) In addition to any other remedy provided by law, a
103 victim of discrimination prohibited by this section may bring a
104 civil action.

105 (b) In any civil action brought under this section,
106 discrimination prohibited by this section may be inferred solely
107 from the disparate impact of employment decisions or practices
108 on the members of a group.

109 (c) In any civil action brought under this subsection, the
110 court may issue an order prohibiting the discriminatory policy
111 or practice and providing affirmative relief from the effects of
112 the discriminatory policy or practice, including back pay. The
113 court may also award compensatory damages, including, but not
114 limited to, damages for mental anguish, loss of dignity, and any
115 other intangible injuries, and punitive damages. In any civil
116 action brought under this subsection, the court shall award a
117 prevailing plaintiff reasonable attorney fees and costs.

118 (d) If an employing agency of first responders is found to
119 have violated subsection (2) in regards to promotion, the
120 individual seeking relief shall be awarded back pay from the
121 date he or she would be paid the higher salary had he or she
122 been promoted. If such an individual cannot be promoted to the
123 position he or she was denied, the court shall order that he or
124 she be paid as if he or she had been promoted to such position
125 while remaining in his or her current position and order that

126 the individual be promoted to such position at the next
127 available opportunity.

128 **Section 5. Subsection (2) of section 365.171, Florida**
129 **Statutes, is amended, and paragraphs (e) and (f) are added to**
130 **subsection (4) of that section, to read:**

131 365.171 Emergency communications state plan.—

132 (2) LEGISLATIVE INTENT.—It is the intent of the
133 Legislature that the communications number "911" be the
134 designated emergency communications number. A public safety
135 agency may not advertise or otherwise promote the use of any
136 communications number for emergency response services other than
137 "911." It is further the intent of the Legislature to implement
138 and continually update a cohesive statewide emergency
139 communications plan for enhanced 911 services which will provide
140 citizens with rapid direct access to public safety agencies by
141 accessing "911" with the objective of reducing the response time
142 to situations requiring law enforcement, fire, medical, rescue,
143 and other emergency services. It is further the intent of the
144 Legislature to prohibit the transfer of calls between 911 call
145 centers and to maximize the efficiency of the statewide
146 emergency communications plan for citizens dialing "911" for
147 emergency services.

148 (4) STATE PLAN.—The office shall develop, maintain, and
149 implement appropriate modifications for a statewide emergency
150 communications plan. The plan shall provide for:

151 (e)1. A unified 911 system. By July 1, 2029, every county-
152 level first responder agency must be provided 911, emergency
153 call, and dispatch services from a unified 911 call center. A
154 municipality may not opt out of this consolidation. All existing
155 911 operations within a county shall be integrated under the
156 sheriff to create a unified 911 call center and all county-level
157 first responder agencies and jurisdictions must participate in
158 the unified 911 call center in their service area.

159 2.a. A sheriff may opt out of the consolidation
160 requirement in subparagraph 1., in which case the county shall
161 establish a regional 911 call center as provided in subparagraph
162 4. A sheriff may later choose to opt in to the requirement in
163 subparagraph 1. without limitation.

164 b. If a sheriff later chooses to opt in to the requirement
165 in subparagraph 1., he or she must declare his or her
166 willingness to do so by written declaration to every
167 jurisdiction in the county that participates in the unified 911
168 call center and the county's supervisor of elections no later
169 than 6 months before the next regular election. Once the
170 declaration is made, the supervisor of elections shall place the
171 issue on the ballot at the next regular election. The voters
172 shall determine by referendum whether to have the unified 911
173 call center operated by the sheriff.

174 3.a. Each unified 911 call center shall:

175 (I) Establish a single computer-aided dispatching

176 software, regardless of the agency being dispatched.

177 (II) Establish the minimum standard requirements for radio
178 communications within the county to which all agencies must
179 adhere.

180 (III) Establish, maintain, and operate all systems and
181 properties necessary for radio and telephone operations, such as
182 a computer-aided dispatch system, telephony, hardware, and
183 information technology.

184 (IV) Require Global Positioning System (GPS) tracking
185 requirements of each unit within the system to allow computer-
186 aided dispatch and implement closest-unit dispatching
187 requirements.

188 (V) Establish an executive board in each county. The
189 executive board shall consist of three members appointed by the
190 entities they represent as follows: an individual representing
191 the county government, an individual representing police
192 departments, and an individual representing fire rescue
193 services. Each member shall serve a term of 3 years. The
194 executive board shall meet monthly.

195
196 If there are multiple jurisdictions within the unified 911 call
197 center, each jurisdiction shall pick the representative to serve
198 the 3-year term and then rotate to the next jurisdiction. The
199 rotational order shall begin with the largest jurisdiction by
200 population, then the next largest jurisdiction by population,

201 and then the smallest jurisdiction by population and continue ad
202 infinitum.

203 (A) A representative of the sheriff's office shall attend
204 each meeting of the executive board and serve as a liaison
205 between the board and the sheriff's office.

206 (B) The executive board may create a nonvoting advisory
207 board that consists of as many members as needed, but only one
208 member from each jurisdiction shall be represented on the
209 nonvoting advisory board.

210 (C) If the center is operated by the sheriff, the
211 executive board shall advise and guide the sheriff on the
212 operation and budget of the center. The executive board must
213 vote to approve the sheriff's budget proposal for the center if
214 the proposal is submitted to the county for consideration.

215 (D) If the center is operated by the sheriff, the
216 executive board may overrule a decision by the sheriff
217 concerning any operation of the center by unanimous vote of all
218 voting members after giving the sheriff 30 days written notice
219 about the matter that specifies the nature of the issue, their
220 written intent to overrule, and an alternative plan for the
221 sheriff's consideration.

222 b. The sheriff shall annually conduct a needs assessment
223 to identify the financial requirements necessary to perform the
224 services required to provide a unified 911 call center,
225 including, but not limited to:

226 (I) Telephony.

227 (II) Radio dispatch.

228 (III) Information technology.

229 c. Counties shall provide total funding for the unified
230 911 call center as determined by the annual needs assessment and
231 as requested by the sheriff but do not have any right or control
232 over the funds or equipment of the center. A unified 911 call
233 center operated by a sheriff may not be included in the
234 sheriff's operational budget but shall serve as a separate line
235 item and fulfillment requirement by the county to the sheriff.
236 The county must be provided funding and each jurisdiction that
237 is provided services under this paragraph must provide pro-rata
238 funding to the county based on its population. Any funding not
239 covered by the 911 fee as requested by the annual needs
240 assessment shall be provided by the participating jurisdictions
241 on a pro-rata basis.

242 d. A sheriff may choose to contract with another county or
243 another county's unified 911 call center to meet the
244 requirements of this section. If a sheriff chooses to contract
245 with another county, the executive board's membership shall
246 increase by two additional voting members. The two additional
247 voting members shall be the contracting sheriff and a
248 representative of the county government of the additional
249 county. All other jurisdictions represented by the contracting
250 sheriff may each appoint a member to the nonvoting advisory

board, each of whom has the right to attend and participate in meetings as a nonvoting member.

4. If a sheriff opts out of the operation of a unified 911 call center, the county shall establish a regional 911 call center. A regional 911 call center may be within one county or among several counties that choose to pool resources. A memorandum of understanding is required between the agencies involved. A regional 911 call center shall be governed by a regional 911 operations board made up of agencies within the participating county or counties.

a. Members of the regional 911 operations board shall include the agency head of each law enforcement, fire rescue, or emergency rescue service that operates in the regional 911 call center. Members shall serve 2-year terms. The sheriff of each county in the regional 911 call center shall be a member of the board. In the event that there are an even amount of members, the chair of the board shall rotate between the sheriffs of each participating county and each sheriff shall serve on the board for a period of 2 years.

b. The board's operating expenses shall be funded on a pro-rata basis from each participating county.

c. The board shall annually conduct a needs assessment to identify the financial requirements necessary to perform the services required to provide a regional 911 call center, including, but not limited to:

276 (I) Telephony.

277 (II) Radio dispatch.

278 (III) Information technology.

279 d. Counties shall provide total funding for the regional
280 911 call center as required and as requested by the regional 911
281 operations board but do not have any right or control over the
282 funds or equipment of the center. Each jurisdiction that is
283 provided services under this subparagraph must provide pro-rata
284 funding to the county or counties based on its population. Any
285 amount not covered by the 911 fee as requested by the annual
286 needs assessment shall be provided by the participating
287 jurisdictions on a pro-rata basis.

288 (f) The Department of Law Enforcement shall negotiate and
289 establish a preferred price list for major equipment used in the
290 operation of unified 911 call centers to maximize cost savings
291 to the state. Unified 911 call centers are encouraged, but not
292 required, to use the preferred price list. The preferred price
293 list shall, at a minimum, include preferred prices for:

294 1. Radios.

295 2. Computer-aided dispatch software.

296 3. Telephone equipment.

297 4. Related software.

298
299 The office shall be responsible for the implementation and
300 coordination of such plan. The office shall adopt any necessary

rules and schedules related to public agencies for implementing and coordinating the plan, pursuant to chapter 120.

Section 6. Section 365.1795, Florida Statutes, is created to read:

365.1795 Dispatch of the closest unit required.—

(1) A 911 call center shall dispatch the closest unit to an emergency regardless of jurisdiction.

(2) By July 1, 2026, an agency must sign a memorandum of understanding to reflect the requirements of this section and to set standard operating procedures.

(3) If an agency responds to an emergency pursuant to the requirements of this section, the agency must be reimbursed quarterly for the cost of the services provided at true cost without markup from the jurisdiction in which the emergency occurred.

Section 7. Paragraph (c) of subsection (1) and subsection (4) of section 937.021, Florida Statutes, are amended to read:

937.021 Missing child and missing adult reports.—

(1) Law enforcement agencies in this state shall adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. The policies must ensure that cases involving missing children and adults are investigated promptly using appropriate resources. The policies must include:

(c) Standards for maintaining and clearing computer data

of information concerning a missing child or missing adult which is stored in the Florida Crime Information Center, the National Crime Information Center, and the National Missing and Unidentified Persons System. The standards must require, at a minimum, a monthly review of each case entered into the Florida Crime Information Center and the National Crime Information Center, an annual review of each case entered into the National Missing and Unidentified Persons System, and a determination of whether the case should be maintained in the databases ~~database~~.

(4)(a) Upon the filing of a police report that a child is missing by the parent or guardian, the Department of Children and Families, or a community-based care provider, the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and ~~the National Crime Information Center, and the National Missing and Unidentified Persons System~~ databases, and shall, within 90 days after receipt of the report, transmit the report to the National Missing and Unidentified Persons System. A law enforcement agency may not require a reporter to present an order that a child be taken into custody or any other such order before accepting a report that a child is missing.

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(b) Upon the filing of a credible police report that an adult is missing, the law enforcement agency receiving the report shall, within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and the National Crime Information Center, ~~and the National Missing and Unidentified Persons System~~ databases, and shall, within 90 days after receipt of the report, transmit the report to the National Missing and Unidentified Persons System.

Section 8. Paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended to read:

937.022 Missing Endangered Persons Information Clearinghouse.—

(3) The clearinghouse shall:

(b) Provide a centralized file for the exchange of information on missing endangered persons.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information concerning missing endangered persons.

2. Any person having knowledge may submit a missing endangered person report to the clearinghouse concerning a child or adult younger than 26 years of age whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child or adult missing to the appropriate law enforcement agency within the county in which the child or adult

376 became missing, and subsequent to entry by the law enforcement
377 agency of the child or person into the Florida Crime Information
378 Center and, the National Crime Information Center, ~~and the~~
379 ~~National Missing and Unidentified Persons System~~ databases. The
380 missing endangered person report shall be included in the
381 clearinghouse database.

382 3. Only the law enforcement agency having jurisdiction
383 over the case may submit a missing endangered person report to
384 the clearinghouse involving a missing adult age 26 years or
385 older who is suspected by a law enforcement agency of being
386 endangered or the victim of criminal activity.

387 4. Only the law enforcement agency having jurisdiction
388 over the case may make a request to the clearinghouse for the
389 activation of a state Silver Alert or a Purple Alert involving a
390 missing adult if circumstances regarding the disappearance have
391 met the criteria for activation of the Silver Alert Plan or the
392 Purple Alert.

393 **Section 9. Section 943.0322, Florida Statutes, is created**
394 **to read:**

395 943.0322 Counterterrorism/Counterintelligence Unit.—

396 (1) The department shall establish and operate a
397 Counterterrorism/Counterintelligence Unit consisting of teams
398 located regionally throughout this state whose primary purpose
399 is to proactively address terrorist threats, foreign
400 intelligence collection efforts, and insider threat actors. The

unit shall focus on identifying threats, analyzing patterns of life, gathering actionable intelligence, formulating an effective action plan, and executing arrests or revealing the intent of this state to compel a response, thus avoiding protracted investigations. The unit may conduct direct action missions against identifiable threats on its own or join other units to counteract and stop such threats.

(2) The Counterterrorism/Counterintelligence Unit shall consist of seven teams, with one team assigned to each Regional Domestic Security Task Force housed at each of the department's regional operations centers.

Section 10. Subsection (2) of section 943.131, Florida Statutes, is amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemptions.—

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency, training center, or criminal justice selection center must verify and document that the applicant has:

(a) Successfully completed a comparable basic recruit training program for the discipline in which the applicant is seeking certification in another state or for the Federal Government or a previous Florida basic recruit training program. Further, the employing agency, training center, or criminal justice selection center must verify that the applicant has

426 served as a full-time sworn officer in another state or for the
427 Federal Government for at least 1 year provided there is no more
428 than an 8-year break in employment or was a previously certified
429 Florida officer provided there is no more than an 8-year break
430 in employment, as measured from the separation date of the most
431 recent qualifying employment to the time a complete application
432 is submitted for an exemption under this section. The employing
433 agency, training center, or criminal justice selection center
434 shall submit documentation of satisfaction of this requirement
435 to the commission; ~~or~~

436 (b) Served in the special operation forces for a minimum
437 of 5 years, provided there is no more than a 4-year break from
438 the applicant's special operations forces experience, as
439 measured from the separation date from the special operations
440 forces to the time a complete application for an exemption under
441 this subsection is submitted. The employing agency, training
442 center, or criminal justice selection center shall further
443 verify and document the specific training and experience the
444 applicant received during his or her special operations forces
445 service that is relevant to law enforcement. The employing
446 agency, training center, or criminal justice selection center
447 shall submit documentation of satisfaction of these requirements
448 to the commission; or

449 (c) Served as an intelligence or counterintelligence
450 officer or agent for a minimum of 5 years, provided that there

is no more than a 4-year break from the applicant's special operations forces experience, as measured from the separation date from the military or federal government to the time a complete application for an exemption under this subsection is submitted. The employing agency, training center, or criminal justice selection center shall further verify and document the specific training and experience the applicant received during his or her intelligence or counterintelligence service that is relevant to law enforcement. The employing agency, training center, or criminal justice selection center shall submit documentation of satisfaction of these requirements to the commission.

Section 11. Section 943.1714, Florida Statutes, is created to read:

943.1714 Basic skills training in resilience.—The commission shall establish and maintain standards for basic skills training in resilience for law enforcement officers, including, but not limited to, mental health, sleep, concussions, trauma, chemical and substance exposure and their effects on health, lead exposure from ammunition, exposure to harmful substances from fires, and the effects of exposure to chemicals in protective gear. All basic skills training for law enforcement officers to obtain initial certification must include basic skills training in resilience.

Section 12. First responder amputees.—An individual who is

certified as a first responder, as defined in s. 112.1815(1),
Florida Statutes, who has a physical disability resulting from
amputation may continue to serve as a first responder if he or
she meets the first responder certification requirements without
an accommodation.

Section 13. Florida Medal of Valor and Florida Blue/Red
Heart Medal.—

(1) (a) There is created the Florida Medal of Valor for
first responders, as defined in s. 112.1815(1), Florida
Statutes, and related personnel. The medal may only be awarded
to a first responder or related personnel who goes above and
beyond the call of duty to save the life of an individual.

(b) There is created the Florida Blue/Red Heart Medal. The
medal shall be awarded to a law enforcement officer,
firefighter, correctional officer, or correctional probation
officer who is injured in the line of duty.

(2) The Governor or his or her designee may present the
awards. The awards shall be issued and administered through the
Department of Law Enforcement. A resident of this state or an
employing agency in this state must apply for the Florida Medal
of Valor or the Florida Blue/Red Heart Medal on behalf of the
potential recipient.

(3) (a) The application for a medal under this section
shall be considered and acted upon by a board charged with the
duty of evaluating the appropriateness of an application. The

board shall consist of five individuals as follows:

1. Three members appointed by the Governor.

2. One member appointed by the Speaker of the House of Representatives.

3. One member appointed by the President of the Senate.

(b) Members of the board shall serve 2-year terms. Any vacancy on the board must be filled within 3 months. At least three board members must be active, retired, or former law enforcement officers or firefighters.

Section 14. (1) The Department of Law Enforcement shall conduct a study assessing the viability, necessity, and possibility of creating hurricane-hardened public safety operations centers. By July 1, 2026, the department shall submit a report containing the results of the study to the Governor, the Speaker of the House of Representatives, the President of the Senate, the chair of the Security and Threat Assessment Committee of the House of Representatives, and the chair of the Committee on Military and Veterans Affairs, Space, and Domestic Security of the Senate.

(2) The report shall:

(a) Address the need for regional backup centers addressing the potential need for hardened space if a county experiences a direct hit from a debilitating weather event or any manmade cataclysmic event that could disable a county's ability to operate emergency services.

526 (b) Identify a minimum of five regional locations to house
527 the regional backup centers.

528 (c) Provide a standardized list of what is housed and what
529 is necessary to be housed at each regional backup center. At a
530 minimum, each regional backup center shall house:

531 1. 911 dispatching and call taking.

532 2. An emergency operations center.

533 3. Worker housing.

534 4. Food service facilities.

535 5. Information technology.

536 6. Backup generator.

537 7. A Sensitive Compartmented Information Facility (SCIF).

538 8. Parking capacity for relocating units.

539 (d) Estimate a price for each regional backup center and a
540 total estimated price of the project.

541 (e) Identify alternate uses of the regional backup center
542 in nonemergency settings to co-use the space.

543 (f) Identify a list of potential local, state, and federal
544 tenants.

545 **Section 15.** (1) The Florida Department of Public Safety
546 Consolidation Task Force, a task force as defined in s.
547 20.03(5), Florida Statutes, is created within the Department of
548 Law Enforcement. The task force shall specify the steps and
549 legislation necessary and provide the cost estimates and
550 timelines required to implement the consolidation of all law

551 enforcement agencies into a Florida Department of Public Safety
552 as outlined in this section. The purpose of the consolidation is
553 to maximize this state's crime fighting ability, intelligence
554 capability, and defensive capacity while increasing government
555 efficiency, consolidating chains of command, increasing
556 communications and coordination, standardizing training, pooling
557 resources, increasing opportunities for officers such as
558 increased salaries and promotions, and better preparing this
559 state through one voice of law enforcement.

560 (2) The task force shall consist of the following members,
561 each of whom must be appointed by July 31, 2025:

562 (a) A senator appointed by the President of the Senate.

563 (b) A member of the House of Representatives appointed by
564 the Speaker of the House of Representatives.

565 (c) Three representatives of the Department of Law
566 Enforcement appointed by the executive director of the
567 department.

568 (d) A representative of the Division of Florida Highway
569 Patrol of the Department of Highway Safety and Motor Vehicles
570 appointed by the executive director of the department.

571 (e) A representative of the Fish and Wildlife Conservation
572 Commission appointed by the executive director of the
573 commission.

574 (f) A representative of the Capitol Police appointed by
575 the director of the Capitol Police.

576 (g) A representative of the Governor appointed by the
577 Governor.

578 (3) The task force shall prepare and submit a report by
579 July 1, 2026, to each person who appointed at least one member
580 to the task force as provided in subsection (2).

581 (4) The task force shall establish a Florida Department of
582 Public Safety to be administered by a director appointed by the
583 Governor. The director shall appoint a deputy director and
584 chiefs. The chiefs shall administer the following areas:

585 (a) Administration, including fleet management, human
586 resources, purchasing, federal liaison, professional standards,
587 internal affairs, and communications.

588 (b) Patrol, including the Florida Highway Patrol, which
589 shall maintain its current duties and branding, and the Capitol
590 Police, which shall be dissolved and part of the Florida
591 Department of Public Safety.

592 (c) Investigations, including the intel and fusion center,
593 cyber unit, crime analysts, law enforcement officer shooting
594 investigations, homicide, and narcotics.

595 (d) Investigative Support, including crime labs,
596 forensics, DNA analysis, fingerprinting, and background
597 screening.

598 (e) Special Operations, including Special Weapons and
599 Tactics (SWAT), bomb, dive, drone, and mounted units.

600 (f) Marine and Environmental, including Fish and Wildlife

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Conservation Commission units.

(g) Dignitary Protection, including units assigned to protect the Governor, Lieutenant Governor, and Attorney General.

(h) Aviation, including all aviation assets from all agencies.

(5) The Department of Law Enforcement shall provide administrative support to the task force.

(6) This section is repealed upon submission of the task force report under subsection (3).

Section 16. This act shall take effect July 1, 2025.



Chapter 419: Community Residences, Recovery Communities, and Congregate Living Facilities

Florida League of Cities
Municipal Operations Policy Committee
DRAFT Policy Statement

Recovery Residences

Draft Statement: The Florida League of Cities SUPPORTS legislation that ensures community and recovery residences for individuals with disabilities comply with the Fair Housing Act by modernizing zoning, licensing, and certification standards.

Background: Under the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA), individuals recovering from substance use disorder are legally recognized as persons with disabilities, meaning local governments must provide reasonable accommodations in zoning policies to ensure equal housing opportunities. This prohibits the use of spacing or density rules that effectively ban or severely limit recovery residences. Courts have consistently emphasized that restrictions must be supported by proof of actual harm, not stigma, or perception. Ultimately, local governments must carefully balance protecting the rights and needs of residents of community and recovery residences (“community residences”) with safeguarding broader community interests.

Last year, the legislature passed SB 954 (Gruters) “Certified Recovery Residences.” The bill streamlined regulations for certified recovery residences, which provide housing for individuals recovering from substance use disorder. The bill required counties and municipalities to adopt ordinances by January 1, 2026 with clear procedures for reviewing and approving requests for reasonable accommodations to allow recovery residences to locate in residential zoning districts, requiring that such requests be processed within 60 days. It prohibited local governments from imposing additional public hearing requirements beyond the minimum required by law to grant the accommodation.

The proposed legislation brings local zoning and certification practices into better alignment with the FHA and ADA, ensuring fair access to housing for people with disabilities living in group homes of all types while giving housing providers a set of consistent, statewide standards. The proposed legislation updates Chapter 419 to provide for distances between community residences based on a methodology that has been upheld by federal courts. The proposed legislation further provides for minimum licensing and/or certification requirements, which helps to ensure that best practices are followed to protect the residents of the homes as well as the neighboring community.

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1
2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 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.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/CS/SB 954

INTRODUCER: Rules Committee; Appropriations Committee on Health and Human Services;
Community Affairs Committee; Senators Gruters and Rouson

SUBJECT: Certified Recovery Residences

DATE: April 22, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Hackett</u>	<u>Yeatman</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 954 requires local governments to adopt an ordinance, 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.

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 a minimum 1:6 personnel-to-resident ratio when residents are present.

The bill has no fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Substance abuse is the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.¹ According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth

¹ The World Health Organization, *Mental Health and Substance Abuse*, available at <https://www.who.int/westernpacific/about/how-we-work/programmes/mental-health-and-substance-abuse>; (last visited

Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.² SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.³ Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.⁴ Imaging studies of brains belonging to persons with SUD reveal physical changes in areas of the brain critical to judgment, decision making, learning and memory, and behavior control.⁵

In 2021, approximately 46.3 million people aged 12 or older had a SUD related to corresponding use of alcohol or illicit drugs within the previous year.⁶ The most common substance abuse disorders in the United States are from the use of alcohol, tobacco, cannabis, opioids, hallucinogens, and stimulants. Provisional data from the CDC's National Center for Health Statistics indicate there were an estimated 107,622 drug overdose deaths in the United States during 2021 (the last year for which there is complete data), an increase of nearly 15% from the 93,655 deaths estimated in 2020.⁷

Substance Abuse Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse. The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.⁸ Each of these laws governed different aspects of addiction, and thus had different rules promulgated by the state to fully implement the respective pieces of legislation.⁹ However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.¹⁰

March 28, 2025); the National Institute on Drug Abuse (NIDA), *The Science of Drug Use and Addiction: The Basics*, available at <https://www.drugabuse.gov/publications/media-guide/science-drug-use-addiction-basics> (last visited March 28, 2025).

² The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at <https://www.naatp.org/resources/clinical/substance-use-disorder> (last visited March 28, 2025).

³ Substance Abuse and Mental Health Services Administration (SAMHSA), *Substance Use Disorders*, <http://www.samhsa.gov/disorders/substance-use> (last visited March 28, 2025).

⁴ The NIDA, *Drugs, Brains, and Behavior: The Science of Addiction*, available at <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction> (last visited March 28, 2025).

⁵ *Id.*

⁶ SAMHSA, *Highlights for the 2021 National Survey on Drug Use and Health*, p. 2, available at <https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlights092722.pdf> (last visited March 28, 2025).

⁷ The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited March 28, 2025).

⁸ *Id.*

⁹ *Id.*

¹⁰ The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited March 28, 2025).

In 1993, legislation was adopted to combine ch. 396 and 397, F.S., into a single law, the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).¹¹

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.¹² However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.¹³ As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.¹⁴

The Department of Children and Families (DCF) administers a statewide system of safety net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based upon state and federally established priority populations.¹⁵ The DCF provides treatment for SUD through a community-based provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.¹⁶

- **Detoxification Services:** Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.¹⁷
- **Treatment Services:** Treatment services¹⁸ include a wide array of assessment, counseling, case management, and support that are designed to help individuals who have lost their ability to control their substance use on their own and require formal, structured intervention and support.¹⁹
- **Recovery Support:** Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.²⁰

¹¹ Chapter 93-39, s. 2, L.O.F., which codified current ch. 397, F.S.

¹² See s. 397.601(1) and (2), F.S. An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.

¹³ Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act*, Risk RX, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at <http://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/> (last visited March 28, 2025) (hereinafter cited as “Fundamentals of the Marchman Act”).

¹⁴ *Id.*

¹⁵ See chs. 394 and 397, F.S.

¹⁶ The Department of Children and Families, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/services/samh/treatment> (last visited March 28, 2025).

¹⁷ *Id.*

¹⁸ *Id.* Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.

¹⁹ *Id.*

²⁰ The Department of Children and Families, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/services/samh/treatment> (last visited March 28, 2025).

Day or Night Treatment with Community Housing

The DCF licenses “Day or Night Treatment” facilities both with and without community housing components. Day or night treatment programs provide substance use treatment as a service in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.²¹ Day or night treatment programs with community housing are intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day or 25 hours per week.²²

Day or night treatment with community housing is appropriate for individuals who do not require structured, 24 hours a day, 7 days a week residential treatment.²³ The housing must be provided and managed by the licensed service provider, including room and board and any ancillary services such as supervision, transportation, and meals. Activities for day or night treatment with community housing programs emphasize rehabilitation and treatment services using multidisciplinary teams to provide integration of therapeutic and family services.²⁴ This component allows individuals to live in a supportive, community housing location while participating in treatment. Treatment must not take place in the housing where the individuals live, and the housing must be utilized solely for the purpose of assisting individuals in making a transition to independent living.²⁵ Individuals who are considered appropriate for this level of care:

- Would not have active suicidal or homicidal ideation or present a danger to self or others;
- Are able to demonstrate motivation to work toward independence;
- Are able to demonstrate a willingness to live in supportive community housing;
- Are able to demonstrate commitment to comply with rules established by the provider;
- Are not in need of detoxification or residential treatment; and
- Typically need ancillary services such as transportation, assistance with shopping, or assistance with medical referrals and may need to attend and participate in certain social and recovery oriented activities in addition to other required clinical services.²⁶

Services provided by such programs may include:

- Individual counseling;
- Group counseling;
- Counseling with families or support system;
- Substance-related and recovery-focused education, such as strategies for avoiding substance use or relapse, information regarding health problems related to substance use, motivational enhancement, and strategies for achieving a substance-free lifestyle;
- Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, symptom management, and food purchase and preparation;

²¹ Section 397.311(26)(a)2., F.S.

²² Section 397.311(26)(a)3., F.S.

²³ Rule 65D-30.0081(1), F.A.C.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

- Expressive therapies, such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the individual with alternative means of self-expression and problem resolution;
- Training or provision of information regarding health and medical issues;
- Employment or educational support services to assist individuals in becoming financially independent;
- Nutrition education; and
- Mental health services for the purpose of:
 - Managing individuals with disorders who are stabilized,
 - Evaluating individuals' needs for in-depth mental health assessment,
 - Training individuals to manage symptoms; and
 - If the provider is not staffed to address primary mental health problems that may arise during treatment, the provider shall initiate a timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder in accordance with the provider's policies and procedures.²⁷

Each enrolled individual must receive a minimum of 25 hours of service per week, including:

- Counseling;
- Group counseling; or
- Counseling with families or support systems.²⁸

Each provider is required to arrange for or provide transportation services, if needed and as appropriate, to clients who reside in community housing.²⁹ Each provider must have an awake, paid employee on the premises at all times at the treatment location when one or more individuals are present.³⁰ For adults, the provider must have a paid employee on call during the time when individuals are at the community housing location.³¹ In addition, the provider must have an awake, paid employee at the community housing location at all times if individuals under the age of 18 are present.³² No primary counselor may have a caseload that exceeds 15 individuals.³³ For individuals in treatment who are granted privilege to self-administer their own medications, provider staff are not required to be present for the self-administration.³⁴

Recovery Residences

Recovery residences (also known as “sober homes” or “sober living homes”) are alcohol- and drug-free living environments for individuals in recovery who are attempting to maintain abstinence from alcohol and drugs.³⁵ These residences offer no formal treatment and are, in some cases, self-funded through resident fees.

²⁷ Rule 65D-30.0081(2), F.A.C.

²⁸ Rule 65D-30.0081(4), F.A.C.

²⁹ Rule 65D-30.0081(5), F.A.C.

³⁰ Rule 65D-30.0081(6), F.A.C.

³¹ *Id.*

³² *Id.*

³³ Rule 65D-30.0081(7), F.A.C.

³⁴ Rule 65D-30.0081(8), F.A.C.

³⁵ SAMSHA, *Recovery Housing: Best Practices and Suggested Guidelines*, p. 2, available at <https://www.samhsa.gov/sites/default/files/housing-best-practices-100819.pdf> (last visited March 28, 2025).

A recovery residence is defined as “a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.”³⁶

Staffing Requirements for Certified Recovery Residences

A certified recovery residence administrator (CRAA) may actively manage up to 50 residents at any given time, though may manage up to 100 residents if written justification is provided to, and approved by, the credentialing entity as to how the administrator is able to effectively and appropriately respond to the needs of the residents, maintain residence standards, and meet the residence certification requirements.³⁷ CRRAs at certain Level IV certified recovery residences (those operating as community housing as defined in s. 397.311(9), F.S., 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) are allowed to actively manage up to 150 residents provided certain conditions are met:

- Maintains a personnel-to-patient ratio of 1 to 8;
- Maintains onsite supervision at the residence 24 hours a day, 7 days a week; and
- Has a personnel-to-resident ratio of 1 to 10.³⁸

Recovery Residence Levels of Support

Section 397.311(5), F.S., establishes a four level-classification of certified recovery residences, including:

- Level I—houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.
- Level II—encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.
- Level III—offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.
- Level IV—is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a

³⁶ Section 397.311(38), F.S.

³⁷ Section 397.4871(6)(b), F.S.

³⁸ Section 397.4871(8)(b) and (c), F.S.

recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

Voluntary Certification of Recovery Residences and Administrators in Florida

Florida has a voluntary certification programs for recovery residences and recovery residence administrators, conducted by private credentialing entities.³⁹ Under the voluntary certification program, the DCF has approved two credentialing entities to design the certification programs and issue certificates: the Florida Association of Recovery Residences (FARR) certifies recovery residences and the Florida Certification Board (FCB) certifies recovery residence administrators.⁴⁰ Under the voluntary certification program, recovery residences are classified into four levels of care, with Level IV being the most intense level.⁴¹

Credentialing entities must require prospective recovery residences to submit the following documents with a completed application and fee:

- A policy and procedures manual containing:
 - Job descriptions for all staff positions;
 - Drug-testing procedures and requirements;
 - A prohibition on the premises against alcohol, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed;
 - Policies to support a resident's recovery efforts; and
 - A good neighbor policy to address neighborhood concerns and complaints.
- Rules for residents;
- Copies of all forms provided to residents;
- Intake procedures;
- Sexual predator and sexual offender registry compliance policy;
- Relapse policy;
- Fee schedule;
- Refund policy;
- Eviction procedures and policy;
- Code of ethics;
- Proof of insurance;
- Proof of background screening; and
- Proof of satisfactory fire, safety, and health inspections.⁴²

Patient Referrals

While certification is voluntary, Florida law incentivizes certification. Since 2016, Florida has prohibited licensed substance abuse service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively

³⁹ Sections 397.487 through 397.4872, F.S.

⁴⁰ The Department of Children and Families, *Recovery Residence Administrators and Recovery Residences*, available at <https://www.myflfamilies.com/services/samh/recovery-residence-administrators-and-recovery-residences> (last visited March 28, 2025).

⁴¹ Section 397.311, F.S., and sections 397.487 through 397.4873, F.S.

⁴² Section 397.487(3), F.S.

managed by a certified recovery residence administrator (CRRRA).⁴³ There are certain exceptions that allow referrals to or from uncertified recovery residences, including any of the following:

- A licensed service provider under contract with a behavioral health managing entity.
- Referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral.
- Referrals made before July 1, 2018, by a licensed service provider to that licensed service provider's wholly owned subsidiary.
- Referrals to, or accepted referrals from, a recovery residence with no direct or indirect financial or other referral relationship with the licensed service provider, and that is democratically operated by its residents pursuant to a charter from an entity recognized or sanctioned by Congress, and where the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral.⁴⁴

Service providers are required to record the name and location of each recovery residence that the provider has referred patients to or received referrals from in the DCF Provider Licensure and Designations System.⁴⁵ Prospective service providers must also include the names and locations of any recovery residences which they plan to refer patients to, or accept patients from, on their application for licensure.⁴⁶

Residences managed by a certified recovery residence administrator approved for up to 100 residents and wholly owned or controlled by a licensed service provider may accommodate up to 150 residents under certain conditions.⁴⁷ These conditions include maintaining a service provider personnel-to-patient ratio of 1 to 8 and providing onsite supervision 24/7 with a personnel-to-resident ratio of 1 to 10. Additionally, administrators overseeing Level IV certified recovery residences with a personnel-to-resident ratio of 1 to 6 are not subject to limitations on the number of residents they may manage.

Zoning and Land Use

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.⁴⁸ All development, both public and private, and all development orders⁴⁹ approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.⁵⁰ The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

⁴³ Section 397.4873(1), F.S.

⁴⁴ Section 397.4873(2)(a)-(d), F.S.

⁴⁵ Section 397.4104(1), F.S.

⁴⁶ Section 397.403(1)(j), F.S.

⁴⁷ Section 397.4871(8)(c), F.S.

⁴⁸ Section 163.3167(2), F.S.

⁴⁹ "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

⁵⁰ Section 163.3194(3), F.S.

intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁵¹

III. Effect of Proposed Changes:

Section 1 amends s. 397.487, F.S., to require counties and municipalities, by January 1, 2026, to adopt an ordinance establishing procedures for the review and approval of certified recovery residences, including a process for requesting reasonable accommodations from land use regulations that otherwise prohibit such establishment. The bill requires that the ordinance:

- Be consistent with state and federal law;
- Establish a written application process;
- Require the local government to date-stamp each application upon receipt, and request additional information within 30 days if required, giving 30 days for such response;
- Require final written determination within 60 days which either approves in whole or part, with or without conditions, or denies the request, stating with specificity the objective reasons for denial and process for reconsideration;
- Provide that an application which does not receive final determination within 60 days is deemed approved unless the parties agree to extension; and
- Require the application to include the name and contact information of the applicant, the property address and parcel identification number, and a description of any accommodation requested.

The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests, but may not require public hearings beyond the minimum required by law to grant the requested accommodation. The ordinance may include provisions for the revocation of a granted accommodation for cause such as a violation of conditions or failure to maintain certification.

The bill also clarifies that the ordinance does not supersede covenants and restrictions related to condominium or homeowners' associations.

Section 2 amends s. 397.4871, F.S., to provide that a certified recovery residence administrator for level IV certified recovery residence which maintains a personnel-to-resident ratio of 1 to 6 may manage up to 300 residents. Currently the maximum allowed is 150 residents with a 1 to 8 ratio. The bill also amends the 24/7 onsite supervision requirement to only apply during times when residents are at the residence.

The bill takes effect July 1, 2025.

⁵¹ Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).

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

Article VII, s. 18(a) of the Florida Constitution provides, in part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The bill requires counties and municipalities to expend funds associated with the requirement to enact an ordinance for the review and approval of certified recovery residences. However, the mandate requirement does not apply to laws having an insignificant impact,⁵² which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.⁵³ The aggregate cost for local governments to implement this provision is likely insignificant.

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The overall effect of the bill may be to simplify the establishment and maintenance of a recovery residence, providing an indeterminate positive impact.

⁵² FLA. CONST. art. VII, s. 18(d).

⁵³ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Fla. Senate Comm. On Cmty. Affairs, Interim Report 2012-115: Insignificant Impact (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

C. Government Sector Impact:

Counties and municipalities will likely incur administrative expenses associated with the development and noticing of the ordinance required in section 1 of the bill.

The bill has no fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 397.487 and 397.4871.

IX. Additional Information:

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

CS/CS/CS by Rules on April 21, 2025:

The committee substitute revises the mechanic for local approval of certified recovery residences to require that local governments adopt an ordinance outlining procedures for approving certified recovery residences within their jurisdiction, with certain conditions on the nature and scope of the ordinance.

CS/CS by Appropriations Committee on Health and Human Services on April 15, 2025:

The committee substitute changes the maximum number of residents that can be actively managed by a certified recovery residence administrator for Level IV certified recovery residence to 300 residents.

CS by Community Affairs on March 31, 2025:

The committee substitute removes all provisions of the bill except:

- The provisions of section 4 declaring a certified recovery residence is deemed a nontransient residential use of land for the purposes of all local zoning ordinances. The provisions requiring administrative approval and a reduction of parking requirements are removed.
- Section 5, adjusting bed limits by personnel-to-resident ratio. This provision is modified to provide a 500 resident limit.

B. Amendments:

None.

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

1 A Bill To Be Entitled

2 An act relating to community residence and recovery communities,
3 replacing Chapter 419.001...

4 Chapter 419, Florida Statutes, is stricken and replaced to read:

5 ~~CHAPTER 419 COMMUNITY RESIDENTIAL HOMES~~

6 ~~419.001. Site selection of community residential homes~~

7 ~~(1) For the purposes of this section, the term:~~

8 ~~(a) "Community residential home" means a dwelling unit~~
9 ~~licensed to serve residents who are clients of the Department of~~
10 ~~Elderly Affairs, the Agency for Persons with Disabilities, the~~
11 ~~Department of Juvenile Justice, or the Department of Children~~
12 ~~and Families or licensed by the Agency for Health Care~~
13 ~~Administration which provides a living environment for 7 to 14~~
14 ~~unrelated residents who operate as the functional equivalent of~~
15 ~~a family, including such supervision and care by supportive~~
16 ~~staff as may be necessary to meet the physical, emotional, and~~
17 ~~social needs of the residents.~~

18 ~~(b) "Licensing entity" or "licensing entities" means the~~
19 ~~Department of Elderly Affairs, the Agency for Persons with~~
20 ~~Disabilities, the Department of Juvenile Justice, the Department~~
21 ~~of Children and Families, or the Agency for Health Care~~
22 ~~Administration, all of which are authorized to license a~~
23 ~~community residential home to serve residents.~~

24 ~~(c) "Local government" means a county as set forth in chapter 7~~
25 ~~or a municipality incorporated under the provisions of chapter~~
26 ~~165.~~

27 ~~(d) "Planned residential community" means a local government-~~
28 ~~approved, planned unit development that is under unified~~
29 ~~control, is planned and developed as a whole, has a minimum~~
30 ~~gross lot area of 8 acres, and has amenities that are designed~~

~~to serve residents with a developmental disability as defined in s. 393.063 but that shall also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents' freedom of movement within and outside the community may not be restricted. For the purposes of this paragraph, local government approval must be based on criteria that include, but are not limited to, compliance with appropriate land use, zoning, and building codes. A planned residential community may contain two or more community residential homes that are contiguous to one another. A planned residential community may not be located within a 10-mile radius of any other planned residential community.~~

~~(e) "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22(3)(a); a person who has a developmental disability as defined in s. 393.063; a non-dangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be dependent as defined in s. 39.01 or s. 984.03, or a child in need of services as defined in s. 984.03 or s. 985.03.~~

~~(f) "Sponsoring agency" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.~~

~~(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that~~

~~such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of this section; provided that, before licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that there is not a home of six or fewer residents which otherwise meets the definition of a community residential home within a radius of 1,000 feet and not a community residential home within a radius of 1,200 feet of the proposed home. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity. For purposes of local land use and zoning determinations, this subsection does not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.~~

~~(3) (a) — When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily, the agency shall notify the chief executive officer of the local government in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring~~

~~agency shall also provide to the local government the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located. The local government shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction.~~

~~(b) Pursuant to such review, the local government may:~~

~~1. Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.~~

~~2. Fail to respond within 60 days. If the local government fails to respond within such time, the sponsoring agency may establish the home at the site selected.~~

~~3. Deny the siting of the home.~~

~~(c) The local government shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:~~

~~(1) Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.~~

~~(2) Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.~~

~~(3) Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and~~

~~character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.~~

~~(4) Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government's land development code and other local ordinances. A local government may not impose proximity limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community.~~

~~(5) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.~~

~~(6) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if~~

152 ~~that person is entitled to such a determination under~~
153 ~~statutory or common law.~~

154 ~~(7) The licensing entity shall not issue a license to a~~
155 ~~sponsoring agency for operation of a community residential~~
156 ~~home if the sponsoring agency does not notify the local~~
157 ~~government of its intention to establish a program, as~~
158 ~~required by subsection (3). A license issued without~~
159 ~~compliance with the provisions of this section shall be~~
160 ~~considered null and void, and continued operation of the home~~
161 ~~may be enjoined.~~

162 ~~(8) A dwelling unit housing a community residential home~~
163 ~~established pursuant to this section shall be subject to the~~
164 ~~same local laws and ordinances applicable to other~~
165 ~~nonecommercial, residential family units in the area in which~~
166 ~~it is established.~~

167 ~~(9) Nothing in this section shall be deemed to affect the~~
168 ~~authority of any community residential home lawfully~~
169 ~~established prior to October 1, 1989, to continue to operate.~~

170 ~~(10) Nothing in this section shall permit persons to~~
171 ~~occupy a community residential home who would constitute a~~
172 ~~direct threat to the health and safety of other persons or~~
173 ~~whose residency would result in substantial physical damage to~~
174 ~~the property of others.~~

175 ~~(11) The siting of community residential homes in areas~~
176 ~~zoned for single family shall be governed by local zoning~~
177 ~~ordinances. Nothing in this section prohibits a local~~
178 ~~government from authorizing the development of community~~
179 ~~residential homes in areas zoned for single family.~~

180 ~~(12) Nothing in this section requires any local government~~
181 ~~to adopt a new ordinance if it has in place an ordinance~~

~~governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.~~

Section 1. Section 419.001 Florida Statutes, is created to read:

Section 419.001. Definitions. For the purposes of this chapter, the term:

(1) "Community residence" means a residential living arrangement, with the exceptions established in s.419.002(1), (2), and (3), for unrelated individuals with disabilities living as a single functional family in a dwelling unit, town home, duplex, or triplex who need the mutual support furnished by other residents of the dwelling as well as the support services, if any, provided by any staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provide habilitative or rehabilitative services related to the residents' disabilities. A community residence emulates a biological family to foster normalization of its residents, integrate them into the surrounding community, and use neighbors as role models for those residents capable of going into the community and interacting with neighbors. Supportive inter-relationships between residents are an essential component. Its primary purpose is to provide shelter; foster and facilitate life skills; and meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. Community residences include, but are not limited to, those residences licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the

Florida Agency for Health Care Administration, and the Florida Department of Children and Families, and Recovery Residences certified by the state's designated credentialing entity established under s.397.487, and recovery residences democratically operated by their residents pursuant to a charter from an entity recognized or sanctioned by Congress. A community residence shall be considered a residential use of property for purposes of all local government land-use and zoning codes.

(2) "Congregate living facility" means a group living arrangement that provides long-term care, accommodations, food service, and one or more personal care services to people without disabilities and not related to the owner or administrator by blood or marriage. A congregate living facility may be a group living arrangement too large to emulate a family; a group living arrangement in which normalization and community integration and the use of neighbors without the condition of the residents of the congregate living facility as role models are not integral elements; an intermediate care or assisted living facility that does not emulate a family; a group living arrangement that is an alternative to incarceration for people who pose a direct threat to the health or safety of others; a group living arrangement for people undergoing treatment in a program at the same site; or a facility for the treatment of substance use disorder where treatment is the primary purpose and use, whether it provides only services or includes a residential component on site. A congregate living facility is not a community residence or a recovery community. residence or a recovery community.

(3) "Disability" means a physical or mental impairment that substantially limits one or more of an individual's major

244 life activities, impairs an individual's ability to live
245 independently, having a record of such an impairment, or being
246 regarded as having such an impairment as defined in the Federal
247 Fair Housing Act and Americans With Disabilities Act. People
248 with disabilities do not include individuals who are currently
249 using alcohol, illegal drugs, or using legal drugs to which they
250 are addicted, nor individuals who constitute a direct threat to
251 the health and safety of others. People with disabilities
252 include, but are not limited to:

253 (a) An elderly person with disabilities as defined in
254 s.429.65(9),

255 (b) A person with physical disabilities as defined in
256 s.760.22(3),

257 (c) A person with development disabilities as defined in
258 s.393.063 (11),

259 (d) A person with mental illness as defined in s.394.455
260 (29), and

261 (e) A person in recovery from substance abuse, as defined
262 in s.397.311(48).

263 (4) "Family community residence" means a community
264 residence that provides a relatively permanent living
265 arrangement and does not limit how long a resident may live
266 there. The intent is for residents to live in the family
267 community residence on a long-term basis of at least six months.
268 Typical uses may include, but are not limited to, the following:

269 (a) A community residential home for people with
270 disabilities who do not pose a threat to the health and safety
271 of other persons or whose residency would result in substantial
272 physical damage to the property of others.

273 (b) Group homes for people with disabilities that emulate
274 a family, including, but not limited to, people with mental
275 illness, substance use disorder, or physical disabilities.

276 (c) An assisted living facility for the elderly or other
277 people with disabilities licensed under s.429.07.

278 (d) An adult family-care home licensed under Florida
279 s.429.67.

280 (e) A community residential home licensed by the
281 Department of Elderly Affairs, the Agency for Persons with
282 Disabilities, the Department of Juvenile Justice, the Department
283 of Children and Families or the Agency for Health Care
284 Administration which provides a living environment for residents
285 who operate as the functional equivalent of a family.

286 (f) An intermediate care facility for people with
287 developmental disabilities licensed under s.400.962.

288 (g) Housing licensed under ch.394.

289 (h) Recovery residences certified under s.397.487,
290 certified recovery residences, as defined in s. 397.311(5),
291 where residency is typically at least six months.

292 (i) Recovery residences democratically operated by their
293 residents pursuant to a charter from an entity recognized or
294 sanctioned by Congress.

295 (5) "Licensing or certifying entity" or "licensing
296 entities" means the Department of Elderly Affairs, the Agency
297 for Persons with Disabilities, the Department of Juvenile
298 Justice, the Department of Children and Families, the Florida
299 Association of Recovery Residences or other certifying or
300 licensing entity as determined by the Department of Children
301 and Families, or the Agency for Health Care Administration.

(6) "Local government" means a county as set forth in chapter 125 chapter 7 or a municipality incorporated under the provisions of chapter 165.

(7) "Reasonable accommodation" means providing one or more individuals with a disability and providers of housing for one or more individuals with a disability the opportunity to receive modification or waiver of certain requirements to land use, zoning, property maintenance code and building code regulations to give such individual or individuals with a disability an equal opportunity to use and enjoy a dwelling, within the meaning of 42 U.S.C s.3604(f).

(8) "Recovery community" means multiple dwelling units including adjacent multifamily structures, duplexes, triplexes, and quadraplexes; attached single-family dwellings; a series of adjacent single-family detached dwellings; or a group of these types of adjacent dwellings that are not held out to the general public for rent or occupancy and that provide a mutually supportive drug-free and alcohol-free living arrangement for people in recovery from substance use disorder which, taken together, do not emulate a single family unit and are under the auspices of a single sponsoring entity or group of related sponsoring entities. Recovery communities include land uses for which the operator is eligible to apply for certification pursuant to s. 397.487. The term does not include any other group living arrangements for people who are not disabled nor any community residence, congregate living facility, institutional or medical use, shelter, lodging or boarding house, extended stay hotel, nursing home, vacation rental, or other like use.

(9) "Recovery residence" has the same meaning as in s. 397.311(39).

333 (10) "Resident" means any of the following, including, but
334 not limited to: a frail elder as defined in s. 429.65; a person
335 who has a disability as defined in s. 760.22(3); a person who
336 has a developmental disability as defined in s. 393.063; a non-
337 dangerous person who has a mental illness as defined in s.
338 394.455; a person in recovery from a substance use disorder; and
339 live-in-staff.

340 (11) "Sponsoring entity" means an agency or unit of
341 government, a profit or nonprofit agency, or any other person or
342 organization which intends to establish or operate a community
343 residence, recovery community, or congregate living facility.

344 (12) "Transitional community residence" means a community
345 residence that provides a relatively temporary living
346 arrangement of less than 6 months for unrelated people with
347 disabilities. Typical uses may include, but are not limited to,
348 the following:

349 (a) A group home for individuals with a disability which
350 emulates a family unit.

351 (b) A community residence for people with disabilities who
352 do not pose threat to the health and safety of other persons or
353 whose residency would result in substantial physical damage to
354 the property of others.

355 (c) Housing connected to outpatient treatment licensed
356 under ch.394.

357 (d) A community residential home licensed by the
358 Department of Elderly Affairs, the Agency for Persons with
359 Disabilities, the Department of Juvenile Justice, the Department
360 of Children and Families or the Agency for Health Care
361 Administration which provides a living environment for 7 to 14

unrelated residents who operate as the functional equivalent of a family.

(e) Certified recovery residences as defined in s.397.311(5), where residency is typically less than 6 months.

(f) The separate residential community housing component of a day or night treatment with community housing license pursuant to s. 397.311(9).

Section 2. Section 419.002 Florida Statutes, is created to read:

419.002. Restrictions on site selection of community residences; exemptions.

(1) The purpose of the community residence is to:

(a) Provide safe and accommodating shelter for people with disabilities.

(b) Emulate a family unit by providing the opportunity for residents to form supportive interrelationships with each other within a family-like relational structure.

(c) Foster the normalization of residents, integration into the surrounding community, and, when the residents are capable, the use of neighbors without disabilities as role models.

(d) Support the physical, emotional, and social needs of the residents in a mutually supportive, family-like environment.

(e) Provide a safe and nurturing space for residents to gain and practice life skills.

(2) A community residence constitutes a "family" and is not subject to this chapter when:

389 (a) A community residence is occupied by no more than the
390 maximum number of unrelated individuals, as determined by the
391 definition of family, family unit, household, or similar term in
392 the appropriate local government land use code, ordinance, or
393 regulation.

394 (b) A local government's land use code, ordinance, or
395 regulation does not stipulate a specific number of unrelated
396 people that constitutes a family, family unit, household, or
397 similar term.

398 (c) A local government's land use code, ordinance, or
399 regulation does not define family, family unit, household, or a
400 similar term.

401 (3) A community residence that is subject to s.419.002(a),
402 (b), or (c) may not be used in the calculation of spacing
403 distances under this chapter.

404 (4) Spacing distance requirements in this chapter must be
405 measured from the nearest lot line of the existing community
406 residence, recovery community, or congregate living facility to
407 the nearest lot line of the proposed community residence or
408 recovery community. Each street and alley within the specified
409 spacing distance requirement shall count as one parcel lot.

410 (5) A local government may revoke siting approval of a
411 community residence or recovery community when:

412 (a) The operator of the community residence or recovery
413 community fails to provide evidence of permanent licensure or
414 certification.

415 (b) The community residence is not operated pursuant to a
416 charter from an entity recognized or sanctioned by the Congress
417 of the United States.

418 (6) The operator of a community residence or recovery
419 community that fails to obtain licensure, certification, or
420 charter available in this state may not operate without an
421 accommodation in accordance with s. 419.004 of this chapter, and
422 any zoning approval received is deemed null and void

423 (7) The operator of a community residence or recovery
424 community whose license or certification has been denied or
425 revoked may not operate in this state, and zoning approval is
426 deemed null and void upon termination of such license,
427 certification, or charter, or when denial or revocation is
428 appealed, upon final disposition of the appeal of the denial or
429 revocation.

430 (8) A community residence operator must notify the
431 designated local government official or applicable entity that
432 his or her license, certification, or charter has been denied or
433 revoked within 5 calendar days after the notification of the
434 denial or revocation is issued. Such operator must cease
435 operation within 60 calendar days after the date of the denial or
436 revocation, except that the local government may require
437 operations to cease when continued operation poses a threat to
438 the health and safety of the residents or the community
439 residence. The community residence operator must also coordinate
440 the reunion of the residents with their families or relocate the
441 residents to safe and secure living environments. Enforcement of
442 a denial or revocation shall be stayed pending the outcome of an
443 appeal unless the continued operation poses a threat to the
444 health and safety of the residents of the community residence.

445 (9) For purposes of local land use and zoning
446 determinations, this subsection does not affect the legal
447 nonconforming use status of any community residence lawfully
448 permitted and operating prior to January 1, 2027.

449 (10) This section does not affect the authority of any
450 community residence lawfully established prior to January 1,
451 2027 to continue to operate.

452 (11) This section does not permit persons to occupy a
453 community residence or recovery community who would constitute a
454 direct threat to the health and safety of other persons or whose
455 residency would result in substantial physical damage to the
456 property of others.

457 (12) This section does not require a local government to
458 adopt a new ordinance if it has in place an ordinance governing
459 the placement of community residences that meet the criteria of
460 s. 419.003 and S.419.004. Nothing in this section prohibits a
461 local government from adopting less restrictive zoning for siting
462 community residences.

463 Section 3. Section 419.003, Florida Statutes, is created to
464 read:

465 419.003 Community residences; permitted use.

466 (1) A family community residence constitutes a residential
467 use allowed as of right in all zoning districts where residences
468 are allowed as of right, provided that it complies with
469 subsections 419.003(3), 419.003(4), and 419.003 (5).

470 (2) A transitional community residence constitutes a
471 residential use allowed as of right in all zoning districts
472 where multifamily dwellings, duplexes, triplexes, or other forms
473 of multi-family structures are allowed as of right, provided
474 that it complies with subsections 419.003(3) and 419.003(4).

475 (3) Family and transitional community residences
476 referenced in subsections 419.003(1) and 419.003(2) of this
477 section shall be allowed as of right as permitted uses only when
478 in compliance with the following requirements:

479 (a) The proposed community residence will be located at
480 least 660 feet or 7 consecutive parcel lots, including each
481 street and alley as one parcel lot, whichever is a greater
482 distance, from the closest existing community residence,
483 recovery community, or congregate living facility; and

484 (b) The proposed community residence has been issued and
485 maintains:

486 (i) The license, certification or charter required to
487 operate the proposed family community residence; or

488 (ii) A provisional or conditional license, certification or
489 charter during an application process as determined by the
490 designated licensing, certifying or chartering entity.

491 (c) No more than 12 individuals occupy the proposed
492 community residence subject to the local government's standard
493 housing, building, or property maintenance code's provisions
494 related to overcrowding.

495 Section 4. Section 419.004, Florida Statutes, is created to
496 read:

497 419.004 Community residences; reasonable accommodation.

498 (1) A proposed community residence that does not comply
499 with standards required in s. 419.003(3) shall be allowed as a
500 reasonable accommodation from the respective local government
501 when the applicant has demonstrated that:

502 (a) The proposed community residence will not interfere
503 with the normalization and community integration, and, where
504 practical, the use of neighbors without disabilities as role
505 models, of the residents of the closest existing community
506 residence or recovery community and that the closest community
507 residence, recovery community, or congregate living facility

508 will not interfere with the normalization and community
509 integration of the residents of the proposed community
510 residence. Primary factors when determining compliance with this
511 provision include:

512 (i) The linear distance along the pedestrian right of way
513 between the two uses.

514 (ii) The likelihood of residents of each site interacting
515 with residents of the other site.

516 (iii) Whether the residents of both sites have different
517 disabilities or no disability, and

518 (iv) The proposed community residence in combination with
519 any existing community residences, recovery communities, and/or
520 congregate living facilities will not alter the residential
521 character of the surrounding neighborhood by creating an
522 institutional atmosphere or by creating or intensifying an
523 institutional atmosphere or de facto social service district by
524 clustering community residences, recovery communities, or
525 congregate living facilities on a block face or concentrating
526 them in a neighborhood.

527 (2) When the state does not offer a license or
528 certification for the type of community residence proposed and
529 the population it would house, or the community residence
530 proposed is not eligible for a recovery residence
531 democratically operated by its residents from an entity
532 recognized or sanctioned by the Congress of the United States, as
533 required in s. 419.003(4), the local government must authorize a
534 reasonable accommodation for the proposed community residence when
535 the applicant has demonstrated that:

536 (a) The proposed community residence will be operated in a
537 manner effectively similar to that of a licensed, certified, or
538 chartered community residence; and

539 (b) Staff who reside or work in the community residence
540 are adequately trained in accordance with standards typically
541 required by licensing or state certification for a community
542 residence; and

543 (c) The community residence emulates a family unit and
544 operates to achieve normalization, community integration, and,
545 when the residents are capable, the use of neighbors without
546 disabilities as role models; and

547 (d) The rules and practices governing the operation of the
548 community residence operate to protect the residents from
549 abuse, exploitation, fraud, theft, neglect, insufficient
550 support, use of illegal drugs or alcohol, and misuse of
551 prescription medications.

552 (3) When a proposed community residence would house more
553 than 12 unrelated people as required in s. 419.003(4), the local
554 government must authorize a reasonable accommodation for the
555 proposed community residence when the applicant has demonstrated
556 that:

557 (a) The proposed number of residents greater than 12 is
558 necessary to ensure the therapeutic or financial viability of
559 the proposed community residence;

560 (b) The primary function of the proposed community
561 residence is residential where any medical treatment is merely
562 incidental to the residential use of the property;

563 (c) The proposed community residence will emulate a family
564 unit rather than as a boarding or rooming house; nursing home;
565 short term rental; continuing care facility; motel; hotel;

treatment center; rehabilitation center; institutional use facility; assisted living facility or community residential home that does not comport with the definition of community residence in this chapter; or other nonresidential use; and

(d) The requested number of residents in the proposed community residence will not interfere with the normalization and community integration of the occupants of the closest existing community residence or recovery community or, when the residents are capable, the use of neighbors without disabilities as role models.

(4) A transitional community residence must be allowed to obtain a reasonable accommodation to be sited in a single-family zone where single-family detached dwellings are the only dwellings allowed as permitted uses provided that the applicant demonstrates that:

(a) The proposed transitional community residence complies with s. 419.003 and, when applicable s. 419.004, and

(b) The proposed transitional community residence is found to be compatible with the residential uses allowed as of right in the zoning district.

Section 5. Section 419.005 Florida Statutes is created to read:

419.005 Recovery communities as a permitted use.

(1) A recovery community constitutes a residential use allowed as of right in all zoning districts where townhouses, duplexes, triplexes, or other forms of multifamily structures are allowed as permitted uses, provided that:

594 (a) The operator or applicant has received and maintains
595 provisional and then permanent certification from the designated
596 certifying entity as established by s. 397.487; and

597 (b) A proposed recovery community housing up to 16
598 occupants is located at least 660 feet or 7 consecutive parcel
599 lots including each street and alley as one parcel lot,
600 whichever is greater, from the closest recovery community,
601 community residence, or congregate living facility.

602 (c) A proposed recovery community housing 17 to 30
603 occupants is located at least 900 feet or 9 consecutive parcel
604 lots including each street and alley as one parcel lot,
605 whichever is greater, from the closest recovery community,
606 community residence, or congregate living facility.

607 (d) A proposed recovery community housing 31 to 50
608 occupants is located at least 1,300 feet or 13 consecutive
609 parcel lots including each street and alley as one parcel lot,
610 whichever is greater, from the closest recovery community,
611 community residence, or congregate living facility.

612 (e) A proposed recovery community housing 51 to 100
613 occupants is located at least 1,400 feet or 14 consecutive
614 parcel lots including each street and alley as one parcel lot,
615 whichever is greater, from the closest recovery community,
616 community residence, or congregate living facility; and

617 (f) A proposed recovery community housing more than 100
618 occupants is located at least 1,500 feet or 15 consecutive
619 parcel lots including each street and alley as one parcel lot,
620 whichever is greater from the closest recovery community,
621 community residence, or congregate living facility.

622 (2) All distance requirements must be measured from the
623 lot line of the existing community residence, recovery

community, or congregate living facility nearest to the proposed recovery community to the lot line of the proposed recovery community nearest to the closest existing community residence, recovery community, or congregate living facility. Each street and alley within the specified spacing distance requirement shall count as one parcel lot.

(3) An operator of a recovery community must notify the designated local government official or applicable entity that his or her license or certification has been denied or revoked within 5 calendar days after the notification of the denial or revocation is issued. An operator of a recovery community which has not received certification or license, or where certification or license was denied or revoked, may not operate a recovery community in this state, and any zoning approval is deemed null and void upon termination of such certification, or when denial or revocation is appealed, upon final disposition of the appeal of the denial or revocation is issued. Such operator must cease operation within 60 calendar days after the date of the denial or revocation, except that the local government may require operations to cease when continued operation poses a threat to the health and safety of the residents or the recovery community. The recovery community operator must also coordinate the reunion of the residents with their families or relocate the residents to safe and secure living environments. Enforcement of a denial or revocation shall be stayed pending the outcome of an appeal unless the continued operation poses athreat to the health and safety of the residents of the recovery community.

(4) For purposes of local land use and zoning determinations, this section does not affect the legal nonconforming use status of any recovery community lawfully permitted and operating as of January 1, 2027.

655 (5) This section does not affect the authority of any
656 recovery community lawfully established prior to January 1,
657 2027, to continue to operate.

658 (6) This section does not permit persons to occupy a
659 recovery community who would constitute a direct threat to the
660 health and safety of other persons or whose residency would
661 result in substantial physical damage to the property of others.

662 (7) This section does not require a local government to
663 adopt a new ordinance if it has in place an ordinance governing
664 the placement of recovery communities that meet the criteria of
665 s. 419.005 and s. 419.006. Nothing in this section prohibits a
666 local government from adopting less restrictive zoning for
667 siting recovery communities.

668 Section 6. Section 419.006 Florida Statutes is created to
669 read:

670 419.006 Recovery communities as reasonable accommodation.

671 (1) A recovery community proposed to be located within the
672 spacing distances specified in s. 419.005(1) from the closest
673 existing community residence, recovery community, or congregate
674 living facility shall be allowed as a reasonable accommodation
675 when the applicant has demonstrated that:

676 (a) The proposed recovery community will not interfere
677 with the normalization and community integration of the
678 residents of the closest existing community residence or
679 recovery community and that the closest existing community
680 residence, recovery community or congregate living facility will
681 not interfere with the normalization community integration, or,
682 when the residents are capable, the use of neighbors without
683 disabilities as role models. Primary factors when determining
684 compliance with this provision include:

685 (i) The linear distance along the pedestrian right of way
686 between the two uses.

687 (ii) The likelihood of residents of each site interacting
688 with residents of the other site.

689 (iii) Whether the residents of both sites have different
690 disabilities or no disability.

691 (b) The proposed recovery community in combination with
692 any existing community residences, recovery communities, or
693 congregate living facilities will not alter the residential
694 character of the surrounding neighborhood by creating an
695 institutional atmosphere or by creating or intensifying an
696 institutional atmosphere or de facto social service district by
697 clustering recovery communities, community residences, or
698 congregate living facilities on a block face or concentrating
699 them in a neighborhood.

700 Section 7. Section 419.007 Florida Statutes is created to
701 read:

702 419.007 Community residences and recovery communities:
703 applicable spacing distance, assistance.

704 (1) A local government shall respond in writing within 10
705 business days to a request from a housing provider as to whether
706 a proposed site for a community residence or recovery community
707 is within the applicable spacing distance established by this
708 chapter from the closest existing community residence or
709 recovery community. The response shall include the calculated
710 distance relied upon to deny an otherwise permitted use.

711 (a) If a proposed community residence or recovery
712 community is within the applicable spacing distance specified in
713 subsections. 419.003 and 419.005, the local government must,

714 upon request by the applicant, provide to the applicant at no
715 charge in writing within 20 business days of receiving this
716 request the following information:

717 (i) The address of the existing community residence,
718 recovery community, or congregate living facility within whose
719 spacing distance the proposed site is located;

720 (ii) The exact distance of the proposed site from the
721 closest existing community residence, recovery community, or
722 congregate living facility;

723 (iii) The general nature of the disabilities of the
724 residents of the closest existing community residence or
725 recovery community, or nature of the population served by the
726 existing congregate living facility; and

727 (iv) The addresses and general nature of the residents'
728 disabilities in any additional existing community residences and
729 recovery communities as well as the nature of the population
730 served at any congregate living facilities within a one-half
731 mile radius of the proposed site.

732 Section 8. This act shall take effect July 1, 2026.



Increasing the Competitive Bid Threshold for Public Works Project

Draft Statement: The Florida League of Cities SUPPORTS increasing the competitive bid threshold for construction or improvement of a public building, structure, or other public construction works under Ch. 255.20(1), F.S., from \$300,000 to \$600,000.

Background: Under current law, Florida municipalities are prohibited from using their own staff to complete public construction works projects valued at more than \$300,000 unless their governing board holds a public meeting and determines by majority vote that using its own services, employees and equipment is in the public's best interest.

Prior to conducting the meeting, staff must spend considerable time and effort compiling project details and costs in the manner directed by statute, and noticing and preparing for the meeting. This extends project timelines and eats up valuable in-house staff time that could otherwise be spent on project implementation.

The legislature has not updated the Ch. 255.20(1), F.S. competitive bid threshold since 2009. According to the U.S. Bureau of Labor Statistics CPI Inflation Calculator¹, the value of \$300,000 in 2009 was equivalent to \$460,317,42 in August 2025 dollars. However, construction costs are not directly accounted for in the Consumer Price Index and have historically increased at a much faster pace than overall inflation. According to the Mortenson Construction Cost Index, construction costs have increased 195.7% nationally since 2009². Consequently, adjusting the Ch. 255.20(1), F.S. competitive bid cap to \$600,000 would merely restore municipalities' buying power for in-house construction projects to the same level the legislature granted them in 2009.

¹ https://www.bls.gov/data/inflation_calculator.htm

² [Cost Index | Mortenson](#)

The 2025 Florida Statutes

[Title XVIII](#)
PUBLIC LANDS AND
PROPERTY

[Chapter 255](#)
PUBLIC PROPERTY AND PUBLICLY OWNED
BUILDINGS

[View Entire
Chapter](#)

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated to cost more than \$300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated to cost more than \$75,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes employee compensation and benefits, except inmate labor, the cost of equipment and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.



Public Records Exemption for City Clerks & Staff

Florida League of Cities
Municipal Operations Policy Committee
DRAFT Policy Statement Recommendation

Public Records Exemption for Municipal Clerks and Staff

Draft Statement: The Florida League of Cities SUPPORTS legislation that provides a public records exemption for the personal information of municipal clerks; as well as any investigative personnel, and employees who perform municipal elections work.

Background: Many municipal staff who perform duties that include, or result in, investigations into complaints regarding election fraud, legal enforcement of hearings related to neglect or abuse, or other activities that could lead to a criminal prosecution, are exposed to threats and other acts of violence.

Municipal clerks often administer elections. Election workers are often targeted for threats and violence due to the nature of materials they are responsible for. Further, clerks are often involved in legal enforcement proceedings in actions related to violations of codes and ordinances. Occasionally, these proceedings have led to retaliation and threats by defendants.

Last session, HB 517 (Casello) and SB 840 (Rodriguez) were filed. The bills proposed a public records exemption for the personal identifying and location information of current municipal clerks and their staff, as well as the spouses and children of such clerks. It included retroactive application, a statement of public necessity, and a provision for future legislative review and repeal.

Both bills failed to receive hearings in the House and the Senate.

**Resolutions Received from Municipalities for
Public Records Exemption:**

1. City of Alachua
2. City of Aventura
3. Town of Belleair
4. City of Belleair Bluffs
5. Town of Belleair Shore
6. City of Belle Isle
7. City of Boynton Beach
8. City of Bradenton Beach
9. Town of Briny Breezes
10. Town of Callahan
11. City of Cape Canaveral
12. City of Carrabelle
13. City of Casselberry
14. City of Chipley
15. City of Clermont
16. City of Coconut Creek
17. City of Cooper City
18. City of Dade City
19. City of Davenport
20. City of Daytona Beach
21. City of DeLand
22. City of Delray Beach
23. City of Doral
24. Town of Dundee
25. City of Dunnellon
26. City of Eagle Lake
27. Town of Eatonville
28. City of Eustis
29. City of Fort Meade
30. City of Fort Myers
31. City of Gainesville
32. City of Gulf Breeze
33. City of Gulfport
34. Town of Gulf Stream
35. City of Hallandale Beach
36. City of Hampton
37. Town of Highland Beach
38. City of Holly Hill
39. Town of Howey-in-the-Hills
40. Town of Indialantic
41. Indian Creek Village
42. City of Indian Harbour Beach
43. Town of Indian Shores
44. City of Lake Alfred
45. City of Lake City
46. City of Lake Helen
47. City of Lake Worth Beach
48. Town of Lauderdale-By-The-Sea
49. City of Lauderdale Lakes
50. Town of Loxahatchee Groves
51. City of Madeira Beach
52. City of Mascotte
53. City of Milton
54. City of Mulberry
55. City of Newberry
56. City of North Miami
57. Village of North Palm Beach
58. Town of Ocean Ridge
59. City of Okeechobee
60. City of Opa-Locka
61. City of Oviedo
62. City of Pahokee
63. City of Palatka
64. City of Palm Beach Gardens
65. Town of Palm Shores
66. Village of Palm Springs
67. Town of Penney Farms
68. Village of Pinecrest
69. City of Sanford
70. City of Sanibel
71. City of Satellite Beach
72. Town of Sewall's Point
73. City of South Bay
74. City of South Pasadena
75. Town of Southwest Ranches
76. City of Springfield
77. Town of St. Leo
78. City of Stuart
79. Town of Surfside
80. Village of Tequesta
81. City of Vero Beach
82. City of Westlake
83. City of Williston
84. City of Wilton Manors
85. City of Zephyrhills

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing a public records exemption
4 for the home addresses, telephone numbers, dates of
5 birth, and photographs of municipal clerks and their
6 staff, the names, home addresses, telephone numbers,
7 dates of birth, and places of employment of the
8 spouses and children of municipal clerks and their
9 staff, and the names and locations of schools and day
10 care facilities attended by the children of municipal
11 clerks and their staff; providing for the future
12 legislative review and repeal of the exemptions;
13 providing for retroactive application of the
14 exemptions; providing a statement of public necessity;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:
18

19 **Section 1. Paragraph (d) of subsection (4) of section**
20 **119.071, Florida Statutes, is amended to read:**

21 119.071 General exemptions from inspection or copying of
22 public records.—

23 (4) AGENCY PERSONNEL INFORMATION.—

24 (d)1. For purposes of this paragraph, the term:

25 a. "Home addresses" means the dwelling location at which

26 | an individual resides and includes the physical address, mailing
27 | address, street address, parcel identification number, plot
28 | identification number, legal property description, neighborhood
29 | name and lot number, GPS coordinates, and any other descriptive
30 | property information that may reveal the home address.

31 | b. "Judicial assistant" means a court employee assigned to
32 | the following class codes: 8140, 8150, 8310, and 8320.

33 | c. "Telephone numbers" includes home telephone numbers,
34 | personal cellular telephone numbers, personal pager telephone
35 | numbers, and telephone numbers associated with personal
36 | communications devices.

37 | 2.a. The home addresses, telephone numbers, dates of
38 | birth, and photographs of active or former sworn law enforcement
39 | personnel or of active or former civilian personnel employed by
40 | a law enforcement agency, including correctional and
41 | correctional probation officers, personnel of the Department of
42 | Children and Families whose duties include the investigation of
43 | abuse, neglect, exploitation, fraud, theft, or other criminal
44 | activities, personnel of the Department of Health whose duties
45 | are to support the investigation of child abuse or neglect, and
46 | personnel of the Department of Revenue or local governments
47 | whose responsibilities include revenue collection and
48 | enforcement or child support enforcement; the names, home
49 | addresses, telephone numbers, photographs, dates of birth, and
50 | places of employment of the spouses and children of such

51 personnel; and the names and locations of schools and day care
52 facilities attended by the children of such personnel are exempt
53 from s. 119.07(1) and s. 24(a), Art. I of the State
54 Constitution.

55 b. The home addresses, telephone numbers, dates of birth,
56 and photographs of current or former nonsworn investigative
57 personnel of the Department of Financial Services whose duties
58 include the investigation of fraud, theft, workers' compensation
59 coverage requirements and compliance, other related criminal
60 activities, or state regulatory requirement violations; the
61 names, home addresses, telephone numbers, dates of birth, and
62 places of employment of the spouses and children of such
63 personnel; and the names and locations of schools and day care
64 facilities attended by the children of such personnel are exempt
65 from s. 119.07(1) and s. 24(a), Art. I of the State
66 Constitution.

67 c. The home addresses, telephone numbers, dates of birth,
68 and photographs of current or former nonsworn investigative
69 personnel of the Office of Financial Regulation's Bureau of
70 Financial Investigations whose duties include the investigation
71 of fraud, theft, other related criminal activities, or state
72 regulatory requirement violations; the names, home addresses,
73 telephone numbers, dates of birth, and places of employment of
74 the spouses and children of such personnel; and the names and
75 locations of schools and day care facilities attended by the

76 children of such personnel are exempt from s. 119.07(1) and s.
77 24(a), Art. I of the State Constitution.

78 d. The home addresses, telephone numbers, dates of birth,
79 and photographs of current or former firefighters certified in
80 compliance with s. 633.408; the names, home addresses, telephone
81 numbers, photographs, dates of birth, and places of employment
82 of the spouses and children of such firefighters; and the names
83 and locations of schools and day care facilities attended by the
84 children of such firefighters are exempt from s. 119.07(1) and
85 s. 24(a), Art. I of the State Constitution.

86 e. The home addresses, dates of birth, and telephone
87 numbers of current or former justices of the Supreme Court,
88 district court of appeal judges, circuit court judges, and
89 county court judges and current judicial assistants; the names,
90 home addresses, telephone numbers, dates of birth, and places of
91 employment of the spouses and children of current or former
92 justices and judges and current judicial assistants; and the
93 names and locations of schools and day care facilities attended
94 by the children of current or former justices and judges and
95 current judicial assistants are exempt from s. 119.07(1) and s.
96 24(a), Art. I of the State Constitution. This sub-subparagraph
97 is subject to the Open Government Sunset Review Act in
98 accordance with s. 119.15 and shall stand repealed on October 2,
99 2028, unless reviewed and saved from repeal through reenactment
100 by the Legislature.

101 f. The home addresses, telephone numbers, dates of birth,
102 and photographs of current or former state attorneys, assistant
103 state attorneys, statewide prosecutors, or assistant statewide
104 prosecutors; the names, home addresses, telephone numbers,
105 photographs, dates of birth, and places of employment of the
106 spouses and children of current or former state attorneys,
107 assistant state attorneys, statewide prosecutors, or assistant
108 statewide prosecutors; and the names and locations of schools
109 and day care facilities attended by the children of current or
110 former state attorneys, assistant state attorneys, statewide
111 prosecutors, or assistant statewide prosecutors are exempt from
112 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

113 g. The home addresses, dates of birth, and telephone
114 numbers of general magistrates, special magistrates, judges of
115 compensation claims, administrative law judges of the Division
116 of Administrative Hearings, and child support enforcement
117 hearing officers; the names, home addresses, telephone numbers,
118 dates of birth, and places of employment of the spouses and
119 children of general magistrates, special magistrates, judges of
120 compensation claims, administrative law judges of the Division
121 of Administrative Hearings, and child support enforcement
122 hearing officers; and the names and locations of schools and day
123 care facilities attended by the children of general magistrates,
124 special magistrates, judges of compensation claims,
125 administrative law judges of the Division of Administrative

126 Hearings, and child support enforcement hearing officers are
127 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
128 Constitution.

129 h. The home addresses, telephone numbers, dates of birth,
130 and photographs of current or former human resource, labor
131 relations, or employee relations directors, assistant directors,
132 managers, or assistant managers of any local government agency
133 or water management district whose duties include hiring and
134 firing employees, labor contract negotiation, administration, or
135 other personnel-related duties; the names, home addresses,
136 telephone numbers, dates of birth, and places of employment of
137 the spouses and children of such personnel; and the names and
138 locations of schools and day care facilities attended by the
139 children of such personnel are exempt from s. 119.07(1) and s.
140 24(a), Art. I of the State Constitution.

141 i. The home addresses, telephone numbers, dates of birth,
142 and photographs of current or former code enforcement officers;
143 the names, home addresses, telephone numbers, dates of birth,
144 and places of employment of the spouses and children of such
145 personnel; and the names and locations of schools and day care
146 facilities attended by the children of such personnel are exempt
147 from s. 119.07(1) and s. 24(a), Art. I of the State
148 Constitution.

149 j. The home addresses, telephone numbers, places of
150 employment, dates of birth, and photographs of current or former

guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant

176 public defenders, criminal conflict and civil regional counsel,
177 and assistant criminal conflict and civil regional counsel; the
178 names, home addresses, telephone numbers, dates of birth, and
179 places of employment of the spouses and children of current or
180 former public defenders, assistant public defenders, criminal
181 conflict and civil regional counsel, and assistant criminal
182 conflict and civil regional counsel; and the names and locations
183 of schools and day care facilities attended by the children of
184 current or former public defenders, assistant public defenders,
185 criminal conflict and civil regional counsel, and assistant
186 criminal conflict and civil regional counsel are exempt from s.
187 119.07(1) and s. 24(a), Art. I of the State Constitution.

188 m. The home addresses, telephone numbers, dates of birth,
189 and photographs of current or former investigators or inspectors
190 of the Department of Business and Professional Regulation; the
191 names, home addresses, telephone numbers, dates of birth, and
192 places of employment of the spouses and children of such current
193 or former investigators and inspectors; and the names and
194 locations of schools and day care facilities attended by the
195 children of such current or former investigators and inspectors
196 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
197 Constitution.

198 n. The home addresses, telephone numbers, and dates of
199 birth of county tax collectors; the names, home addresses,
200 telephone numbers, dates of birth, and places of employment of

201 the spouses and children of such tax collectors; and the names
202 and locations of schools and day care facilities attended by the
203 children of such tax collectors are exempt from s. 119.07(1) and
204 s. 24(a), Art. I of the State Constitution.

205 o. The home addresses, telephone numbers, dates of birth,
206 and photographs of current or former personnel of the Department
207 of Health whose duties include, or result in, the determination
208 or adjudication of eligibility for social security disability
209 benefits, the investigation or prosecution of complaints filed
210 against health care practitioners, or the inspection of health
211 care practitioners or health care facilities licensed by the
212 Department of Health; the names, home addresses, telephone
213 numbers, dates of birth, and places of employment of the spouses
214 and children of such personnel; and the names and locations of
215 schools and day care facilities attended by the children of such
216 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
217 the State Constitution.

218 p. The home addresses, telephone numbers, dates of birth,
219 and photographs of current or former impaired practitioner
220 consultants who are retained by an agency or current or former
221 employees of an impaired practitioner consultant whose duties
222 result in a determination of a person's skill and safety to
223 practice a licensed profession; the names, home addresses,
224 telephone numbers, dates of birth, and places of employment of
225 the spouses and children of such consultants or their employees;

226 and the names and locations of schools and day care facilities
227 attended by the children of such consultants or employees are
228 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
229 Constitution.

230 q. The home addresses, telephone numbers, dates of birth,
231 and photographs of current or former emergency medical
232 technicians or paramedics certified under chapter 401; the
233 names, home addresses, telephone numbers, dates of birth, and
234 places of employment of the spouses and children of such
235 emergency medical technicians or paramedics; and the names and
236 locations of schools and day care facilities attended by the
237 children of such emergency medical technicians or paramedics are
238 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
239 Constitution.

240 r. The home addresses, telephone numbers, dates of birth,
241 and photographs of current or former personnel employed in an
242 agency's office of inspector general or internal audit
243 department whose duties include auditing or investigating waste,
244 fraud, abuse, theft, exploitation, or other activities that
245 could lead to criminal prosecution or administrative discipline;
246 the names, home addresses, telephone numbers, dates of birth,
247 and places of employment of spouses and children of such
248 personnel; and the names and locations of schools and day care
249 facilities attended by the children of such personnel are exempt
250 from s. 119.07(1) and s. 24(a), Art. I of the State

251 Constitution.

252 s. The home addresses, telephone numbers, dates of birth,
253 and photographs of current or former directors, managers,
254 supervisors, nurses, and clinical employees of an addiction
255 treatment facility; the home addresses, telephone numbers,
256 photographs, dates of birth, and places of employment of the
257 spouses and children of such personnel; and the names and
258 locations of schools and day care facilities attended by the
259 children of such personnel are exempt from s. 119.07(1) and s.
260 24(a), Art. I of the State Constitution. For purposes of this
261 sub-subparagraph, the term "addiction treatment facility" means
262 a county government, or agency thereof, that is licensed
263 pursuant to s. 397.401 and provides substance abuse prevention,
264 intervention, or clinical treatment, including any licensed
265 service component described in s. 397.311(27).

266 t. The home addresses, telephone numbers, dates of birth,
267 and photographs of current or former directors, managers,
268 supervisors, and clinical employees of a child advocacy center
269 that meets the standards of s. 39.3035(2) and fulfills the
270 screening requirement of s. 39.3035(3), and the members of a
271 Child Protection Team as described in s. 39.303 whose duties
272 include supporting the investigation of child abuse or sexual
273 abuse, child abandonment, child neglect, and child exploitation
274 or to provide services as part of a multidisciplinary case
275 review team; the names, home addresses, telephone numbers,

photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This

sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government 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.

326 x. The home addresses, telephone numbers, dates of birth,
327 and photographs of current or former commissioners of the
328 Florida Gaming Control Commission; the names, home addresses,
329 telephone numbers, dates of birth, photographs, and places of
330 employment of the spouses and children of such current or former
331 commissioners; and the names and locations of schools and day
332 care facilities attended by the children of such current or
333 former commissioners are exempt from s. 119.07(1) and s. 24(a),
334 Art. I of the State Constitution. This sub-subparagraph is
335 subject to the Open Government Sunset Review Act in accordance
336 with s. 119.15 and shall stand repealed on October 2, 2029,
337 unless reviewed and saved from repeal through reenactment by the
338 Legislature.

339 y. The home addresses, telephone numbers, dates of birth,
340 and photographs of current clerks of the circuit court, deputy
341 clerks of the circuit court, and clerk of the circuit court
342 personnel; the names, home addresses, telephone numbers, dates
343 of birth, and places of employment of the spouses and children
344 of current clerks of the circuit court, deputy clerks of the
345 circuit court, and clerk of the circuit court personnel; and the
346 names and locations of schools and day care facilities attended
347 by the children of current clerks of the circuit court, deputy
348 clerks of the circuit court, and clerk of the circuit court
349 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
350 the State Constitution. This sub-subparagraph is subject to the

Open Government 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.

z. The home addresses, telephone numbers, dates of birth, and photographs of current municipal clerks and their staff, including elections filing officers, records management liaison officers, and deputy or assistant municipal clerks; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current municipal clerks and their staff, including elections filing officers, records management liaison officers, and deputy or assistant municipal clerks; and the names and locations of schools and day care facilities attended by the children of current municipal clerks and their staff, including elections filing officers, records management liaison officers, and deputy or assistant municipal clerks are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that

information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

401 b. Any information restricted from public display,
402 inspection, or copying under sub-subparagraph a. must be
403 provided to the individual whose information was removed.

404 5. An officer, an employee, a justice, a judge, or other
405 person specified in subparagraph 2. may submit a written request
406 for the release of his or her exempt information to the
407 custodial agency. The written request must be notarized and must
408 specify the information to be released and the party authorized
409 to receive the information. Upon receipt of the written request,
410 the custodial agency must release the specified information to
411 the party authorized to receive such information.

412 6. The exemptions in this paragraph apply to information
413 held by an agency before, on, or after the effective date of the
414 exemption.

415 7. Information made exempt under this paragraph may be
416 disclosed pursuant to s. 28.2221 to a title insurer authorized
417 pursuant to s. 624.401 and its affiliates as defined in s.
418 624.10; a title insurance agent or title insurance agency as
419 defined in s. 626.841(1) or (2), respectively; or an attorney
420 duly admitted to practice law in this state and in good standing
421 with The Florida Bar.

422 8. The exempt status of a home address contained in the
423 Official Records is maintained only during the period when a
424 protected party resides at the dwelling location. Upon
425 conveyance of real property after October 1, 2021, and when such

426 | real property no longer constitutes a protected party's home
427 | address as defined in sub-subparagraph 1.a., the protected party
428 | must submit a written request to release the removed information
429 | to the county recorder. The written request to release the
430 | removed information must be notarized, must confirm that a
431 | protected party's request for release is pursuant to a
432 | conveyance of his or her dwelling location, and must specify the
433 | Official Records book and page, instrument number, or clerk's
434 | file number for each document containing the information to be
435 | released.

436 | 9. Upon the death of a protected party as verified by a
437 | certified copy of a death certificate or court order, any party
438 | can request the county recorder to release a protected
439 | decedent's removed information unless there is a related request
440 | on file with the county recorder for continued removal of the
441 | decedent's information or unless such removal is otherwise
442 | prohibited by statute or by court order. The written request to
443 | release the removed information upon the death of a protected
444 | party must attach the certified copy of a death certificate or
445 | court order and must be notarized, must confirm the request for
446 | release is due to the death of a protected party, and must
447 | specify the Official Records book and page number, instrument
448 | number, or clerk's file number for each document containing the
449 | information to be released. A fee may not be charged for the
450 | release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity the home addresses, telephone numbers, dates of birth, and photographs of current municipal clerks and their staff, including elections filing officers, records management liaison officers, and deputy or assistant municipal clerks; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current municipal clerks and their staff, including elections filing officers, records management liaison officers, and deputy or assistant municipal clerks; and the names and locations of schools and day care facilities attended by the children of current municipal clerks and their staff, including elections filing officers, records management liaison officers, and deputy or assistant municipal clerks be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. Municipal clerks and their staff often handle sensitive information and perform critical administrative functions. Many municipal staff who perform duties that include, or result in, investigations into complaints regarding election fraud, legal enforcement of special magistrate hearings related to neglect or abuse, or other activities that could lead to a criminal prosecution are exposed to threats and other acts of violence. Protecting their personal information is essential to ensure their safety. The Legislature further finds that the harm that may result from the release of such personal identifying and

HB 517

2025

476 | location information outweighs any public benefit that may be
477 | derived from the disclosure of the information.

478 | **Section 3.** This act shall take effect July 1, 2025.



Key Dates



2025-2026 Key Legislative Dates

September 2025

26 FLC Legislative Policy Committee Meetings (Round 1), Hilton Orlando, 6001 Destination Pkwy, Orlando, FL 32819

October 2025

6-10 Legislative Interim Committee Meetings
13-17 Legislative Interim Committee Meetings
17 FLC Legislative Policy Committee Meetings (Round 2), Hilton Orlando, 6001 Destination Pkwy, Orlando, FL 32819

November 2025

3-7 Legislative Interim Committee Meetings
17-21 Legislative Interim Committee Meetings
19-22 NLC City Summit, Salt Lake City, UT

December 2025

1-5 Legislative Interim Committee Meetings
4-5 FLC Legislative Conference, Renaissance Orlando at SeaWorld, 6677 Sea Harbor Dr, Orlando, FL 32821
8-12 Legislative Interim Committee Meetings

January 2026

13 Regular Legislative Session Convenes
26-28 FLC Legislative Action Days, Tallahassee, FL

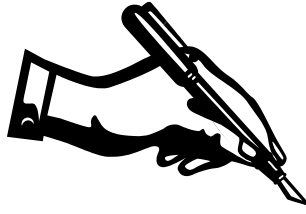
March 2026

13 Last Day of Regular Legislative Session
16-18 NLC Congressional City Conference, Washington, D.C.

For further details about the mentioned events or legislative information, contact medenfield@flcities.com.



Notes



Notes

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.