



Local Administration, Federal Affairs & Special Districts Subcommittee

**January 10, 2024
4:00 PM – 6:00 PM
Morris Hall (17 HOB)**

**Meeting Packet
Revised**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Local Administration, Federal Affairs & Special Districts Subcommittee

Start Date and Time: Wednesday, January 10, 2024 04:00 pm

End Date and Time: Wednesday, January 10, 2024 06:00 pm

Location: Morris Hall (17 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 49 Employment and Curfew of Minors by Regulatory Reform & Economic Development Subcommittee, Chaney

HB 271 Motor Vehicle Parking on Private Property by Lopez, V., Busatta Cabrera

HB 319 Pub. Rec./Military Personnel and Their Families by Holcomb, Rudman

HM 351 Condemning the Emerging Partnership between the Chinese and Cuban Governments by Porras

HB 479 Alternative Mobility Funding Systems by Robinson, W.

HM 669 Enforcement of Federal Immigrations Laws by Sirois

HB 691 Town of Horseshoe Beach, Dixie County by Shoaf

HB 741 Town of Hillsboro Beach, Broward County by LaMarca

HB 793 Coral Springs Improvement District, Broward County by Daley

HB 823 North Okaloosa Fire District, Okaloosa County by Maney

HB 867 North River Ranch Improvement Stewardship District, Manatee County by Robinson, W.

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/08/2024 4:06PM by Lacher.Tamara

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 49 Employment and Curfew of Minors

SPONSOR(S): Regulatory Reform & Economic Development Subcommittee, Chaney

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	10 Y, 5 N, As CS	Thompson	Anstead
2) Local Administration, Federal Affairs & Special Districts Subcommittee		Burgess	Darden
3) Commerce Committee			

SUMMARY ANALYSIS

Subject to some exceptions, federal and state child labor laws prevent work hours and timeframes from interfering with the child's health, safety, and education. At the federal level, the Fair Labor Standards Act (FLSA) determines the minimum age for work during school hours, performing certain jobs after school, and places restraints on work considered hazardous. Florida's Child Labor Law also restricts the employment of minors, sometimes more than federal law. Florida's Child Labor Law contains protections specifically directed to 16 and 17-year-olds, including restrictions on what times during a day they may work, how many hours in a week they may work, and what jobs or occupations they may perform.

Florida authorizes cities and counties to enact their own curfew ordinances for minors under the age of 16. The law provides that any minor under the age of 16 cannot be present at a public establishment during the following hours, not including legal holidays:

- Sunday to Thursday from 11:00 p.m. to 5:00 a.m.
- Saturday or Sunday from 12:01 a.m. to 6:00 a.m.
- 9:00 a.m. to 2:00 p.m. if suspended from school.

The statutory curfew does not apply unless the curfew is adopted by a governing body of the county or municipality. A governing body of a county or municipality is allowed to adopt restrictions that are more or less stringent than the statutory curfew.

The bill:

- Removes the restrictions on work hours for minors 16 and 17 years-of-age, and specifies that minors 16 and 17 years-of-age may work the same number of hours as a person who is 18 years-of-age or older.
- Limits the restriction that currently prohibits 16- and 17-year-olds from working more than 6 consecutive days in any one week, or working 4 hours continuously without a break of at least 30 minutes for a meal period to only apply to minors age 15 or younger.
- Removes the exception from the child labor restrictions for minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma, because the exception is no longer necessary under the provisions of the bill.
- Requires juvenile curfews adopted by county or municipal ordinance to include certain exceptions.

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Federal Fair Labor Standards Act

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.¹ Congress adopted the FLSA to prevent substandard labor conditions from being used as an “unfair method of competition.”² The FLSA covers employees and enterprises engaged in interstate commerce. An enterprise is covered if it has annual sales or business done of at least \$500,000.³ Regardless of the dollar volume of business, the FLSA applies to hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; federal, state, and local governments; and preschools, elementary and secondary schools, and institutions of higher education.⁴

The FLSA was adopted as a minimum set of standards, which allowed states to provide more protections for employees. Under the FLSA, if states enact minimum wage, overtime, or child labor laws that are more protective than what is provided by the FLSA, the state law applies.⁵ Because states may enact laws that are more protective than what is provided by the FLSA, minimum wage, overtime, and child labor standards vary state by state.

Child Labor

The FLSA prohibits the employment of “oppressive child labor” in the United States and the shipment of goods made in proximity to oppressive child labor.⁶ The FLSA establishes a general minimum age of 16 years for employment in nonhazardous occupations, and a minimum age of 18 years for employment in any occupation determined by the Secretary of Labor to be hazardous to the health or well-being of minors. However, children younger than 16 may work if certain conditions are met, and rules for agricultural and nonagricultural employment vary significantly.⁷

According to the US Department of Labor (DOL), two things are certain:⁸

- Once an employee is 18 years-of-age, there are no Federal child labor rules.
- Federal child labor rules do not require work permits. However, many states issue age certificates if you are asked to provide them by your employer.

Nonagricultural Employment – Minimum Standards

For nonexempt children, the minimum age for employment in nonagricultural occupations is:⁹

- 18 years-of-age for occupations determined by the Secretary of Labor to be hazardous to the health and well-being of children (i.e., “hazardous occupations”);
- 16 years-of-age for employment in nonhazardous occupations; or

¹ 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.

² *Brooklyn Savings Bank V. O’Neil*. 324 U.S. 697 (1945).

³ 29 C.F.R. §§779.258-779.259.

⁴ 29 U.S.C. §203(s)(1).

⁵ 29 U.S.C. § 218.

⁶ 29 U.S.C. §212.

⁷ Congressional Research Service, *The Fair Labor Standards Act (FLSA): An Overview*, (Mar. 8, 2023), <https://crsreports.congress.gov/product/pdf/R/R42713> (last visited Nov. 30, 2023).

⁸ US Department of Labor, *Fair Labor Standards Act (FLSA) Child Labor Rules Advisor*, <https://webapps.dol.gov/elaws/whd/flsa/cl/default.htm> (last visited Dec. 3, 2023).

⁹ 29 C.F.R. § 570.2.

- 14 years-of-age for a limited set of occupations, with restrictions on hours and work conditions, as determined by the Secretary of Labor.

A child under the age of 14 may not be employed unless his or her employment is explicitly excluded from the definition of oppressive child labor (e.g., a parent is the child's sole employer in a nonhazardous occupation) or exempt from the FLSA child labor provisions (e.g., newspaper delivery).¹⁰

The hours and times of day that 14- and 15-year-olds are allowed to work and specific occupations that are permitted or prohibited for such minors in nonagricultural occupations are set by federal and state law.

The FLSA allows the employment of minors 14 and 15 years-of-age during the following hours and times-of-day:¹¹

- Outside of school hours;¹²
- Not more than 40 hours in any 1 week when school is not in session;
- Not more than 18 hours in any 1 week when school is in session;
- Not more than 8 hours in any 1 day when school is not in session;
- Not more than 3 hours in any 1 day when school is in session, including Fridays; and
- Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

Oppressive Child Labor

The following occupations constitute oppressive child labor within the meaning of the FLSA when performed by minors who are 14 and 15 years-of-age:¹³

- Manufacturing, mining, or processing occupations.
- Occupations that the Secretary of Labor may, pursuant to section 3(l) of the FLSA, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing hoisting apparatus.
- Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including but not limited to lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Youth 14 and 15 years of age may, however, operate office equipment pursuant to § 570.34(a) and vacuum cleaners and floor waxers pursuant to § 570.34(h).
- The operation of motor vehicles.
- Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.
- All baking and cooking activities except that cooking which is permitted by § 570.34(c).
- Work in freezers and meat coolers and all work in the preparation of meats for sale except as permitted by § 570.34(j). This section, however, does not prohibit the employment of 14- and 15-year-olds whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by § 570.34(i).
- Youth peddling, which entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public places such as street corners and public transportation stations.

¹⁰ 29 C.F.R. § 570.119.

¹¹ 75 C.F.R. § 28448 (2010).

¹² 29 C.F.R. § 570.35(b) defines "school hours" as the hours that the local public school district where the minor resides while employed is in session during the regularly scheduled school year.

¹³ 29 C.F.R. § 570.33.

- Loading and unloading of goods or property onto or from motor vehicles, railroad cars, or conveyors, except the loading and unloading of personal non-power-driven hand tools, personal protective equipment, and personal items to and from motor vehicles as permitted by § 570.34(k).
- Catching and cooping of poultry in preparation for transport or for market.
- Public messenger service.
- Occupations in connection with transportation of persons or property, warehousing and storage, communications and public utilities, and construction (including demolition and repair).

Authorized Occupations

The FLSA allows the following occupations to be performed by minors 14 and 15 years-of-age when performed within the required timeframes:¹⁴

- Office and clerical work, including the operation of office machines.
- Work of an intellectual or artistically creative nature.
- Cooking with electric or gas grills which does not involve cooking over an open flame.
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
- Price marking and tagging by hand or machine, assembling orders, packing, and shelving.
- Bagging and carrying out customers' orders.
- Errand and delivery work by foot, bicycle, and public transportation.
- Clean up work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
- Kitchen work and other work involved in preparing and serving food and beverages.
- Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items.
- The loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site.
- The employment of 15-year-olds (but not 14-year-olds) to perform permitted lifeguard duties at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include water falls and sprinkler areas, and baby pools; but not including the elevated areas of power-driven water slides) when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.
- Employment inside and outside of places of business where machinery is used to process wood products.
- Work in connection with cars and trucks if confined to dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- Work in connection with riding inside passenger compartments of motor vehicles.

¹⁴ 29 C.F.R. § 570.34.

Agricultural Employment – Minimum Standards

With some exceptions, the minimum age for employment in agricultural occupations is:

- 16 years-of-age for employment in any agricultural job, including those determined to be hazardous by the Secretary of Labor, with no restrictions on hours of work;¹⁵
- 14 years-of-age for employment in nonhazardous agricultural jobs, outside of school hours;¹⁶
- 12 years-of-age (up to 13 years) for employment in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent; written consent is not required if the work takes place on a farm that also employs the child's parent;¹⁷
- 10 years-of-age (and up to 11 years) for employment to hand-harvest select crops for up to eight weeks in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent, providing the employer has obtained a waiver permitting this employment from the Secretary of Labor;¹⁸ or
- Any age (up to 12 years), for employment in nonhazardous agricultural jobs, outside of school hours on certain small farms, with a parent's written consent.¹⁹

A child of any age who is employed by a parent on a farm owned or operated by the parent may work without restriction.²⁰ DOL regulations also provide limited exemptions to child labor rules concerning hazardous agricultural occupations for student learners and graduates of vocational training programs that meet regulatory criteria.²¹

FLSA Child Labor Exemptions

The FLSA excludes the following occupations and work arrangements from coverage of its child labor provisions:

- Children with a Parental Employer: Children who work for a parent or a person standing in place of a parent²² in an occupation other than manufacturing, mining, or hazardous work may be employed at any age and for any number of hours.²³
- Child Performers: Children of any age may be employed as actors or performers in motion pictures or in theatrical, radio, or television productions.²⁴

¹⁵ 29 C.F.R. § 570.2.

¹⁶ 29 U.S.C. §213(c)(1)(C). DOL regulations identify the set of jobs and activities that—subject to hours-of-work restrictions—do not constitute oppressive child labor for children ages 14 and 15 years old; these are at 29 C.F.R. §570.33.

¹⁷ 29 U.S.C. §213(c)(1)(B).

¹⁸ The conditions under which the Secretary of Labor will grant a waiver permitting the employment of 10 and 11 year old children to harvest certain crops are in 29 U.S.C. 213(c)(4) and 29 C.F.R. § part 575. However, as DOL notes “the Department was enjoined from issuing such waivers in 1980 because of issues involving exposure, or potential exposure, to pesticides (see National Ass’n of Farmworkers Organizations v. Marshall, 628 F.2d 604 (DC Cir. 1980)). Therefore, no waivers have been granted under FLSA section 13(c)(4) for thirty years.” DOL-WHD, “Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations-Civil Money Penalties - A Proposed Rule,” 75 Federal Register 54842, September 2, 2011.

¹⁹ 29 U.S.C. §213(c)(1)(A). Applies to the employment of children on farms that are exempt from FLSA minimum wage provisions because they employed fewer than 500 “man-days of agricultural labor” during any calendar quarter in the previous calendar year. FLSA defines a man-day of agricultural labor as “any day during which an employee performs any agricultural labor for not less than one hour”; 29 U.S.C. §203(u).

²⁰ 29 U.S.C. §213(c)(2).

²¹ 29 C.F.R. §570.72.

²² Parent or person standing in place of a parent is defined in 29 C.F.R. §570.126 as including “natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent.”

²³ This exemption stems from the FLSA definition of oppressive child labor at 29 U.S.C. §203(1), which excludes children employed by a parent in most nonhazardous occupations. For children employed in nonagricultural work, the parent must be the sole employer for the exemption to hold. The parent need not be the sole employer for children working in agriculture on a farm owned or operated by the parent.

²⁴ 29 U.S.C. §213(c)(3).

- Newspaper Delivery Persons: Children of any age may be employed to deliver newspapers to consumers.²⁵
- Evergreen Wreath Producers (Homebased): Children of any age may be employed as homeworkers to make evergreen wreaths and to harvest forest products used in making such wreaths.²⁶

Hazardous Occupations

Seventeen groups of nonagricultural occupations have been determined to be hazardous or detrimental to the health or well-being of children between the ages of 16 and 18 years.²⁷ Employment in these jobs is prohibited, with limited exemptions for registered apprentices and student learners.²⁸ In some instances, children’s employment is banned in entire industries (e.g., coal mining) with some exceptions for office, sales, or maintenance work; others prohibit children’s exposure to materials (e.g., radioactive substances) or equipment (e.g., power-driven hoisting apparatus).

Eleven types of agricultural occupations have been determined to be hazardous, in which—with few exceptions—a child below the age of 16 may not be employed.²⁹ These include, for example, handling or applying certain agricultural chemicals, and working on a farm in a pen occupied by a stud horse maintained for breeding purposes. The prohibition on employment in agricultural hazardous occupations does not apply to children employed by a parent on a farm owned or operated by the parent.³⁰ When certain requirements are met, student learners and graduates of tractor or machine operation programs that meet regulatory criteria may be employed in select hazardous occupations.

FLSA Violations

Two remedies are available for violations of the FLSA child labor provisions. The Secretary of Labor may assess civil penalties or seek other relief, including injunctive relief. Employers who violate the FLSA child labor provisions may be assessed the following civil penalties:

- Up to \$15,138 for each employee who was the subject of a child labor violation; or
- Up to \$68,801 for each violation that causes the death or serious injury of a minor employee, a penalty may be doubled if the violation is a repeated or willful violation.³¹

U.S. district courts have jurisdiction to enjoin violations of the FLSA’s child labor provisions.³² For example, a federal court may order an employer to halt employment of a minor in a hazardous occupation or may enjoin a producer from shipping goods out of state from an establishment in or about which a child labor violation has occurred. Criminal penalties are also prescribed for willful violations of the FLSA’s child labor provisions.³³

²⁵ 29 U.S.C. §213(d).

²⁶ 29 U.S.C. §213(d).

²⁷ 29 C.F.R. §§570.50-570.68.

²⁸ The prohibition on minors’ employment in the nonagricultural hazardous occupations applies even if the child is employed by a parent. The conditions under which a registered apprentice or student learner may participate in hazardous occupation tasks are described in 29 C.F.R. §570.50 (b) and (c).

²⁹ Hazardous agricultural occupations are described in 29 C.F.R. §570.71; exemptions to the ban on children’s employment in hazardous agricultural occupations are in 29 C.F.R. §570.72.

³⁰ 29 U.S.C. §213(c)(2).

³¹ These civil money penalties took effect on January 16, 2023, and are as adjusted for inflation as provided by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (P.L. 114-74).

³² 29 U.S.C. §217.

³³ Congressional Research Service, The Fair Labor Standards Act (FLSA): An Overview, Mar.8, 2023, at 17

<https://crsreports.congress.gov/product/pdf/R/R42713> (last visited Dec. 3, 2023).

Florida Child Labor Law

The Florida Department of Business and Professional Regulation, Division of Regulation, administers and enforces the state's Child Labor Law³⁴ through its Child Labor Program.³⁵ The "mission of the Child Labor Program is to provide a program of education, enforcement, and administrative initiatives designed to achieve full compliance in the enforcement of Child Labor laws and ensure the health, education and welfare of Florida's working minors."³⁶

Florida's Child Labor Law restricts the employment of minors, sometimes more than federal law. Once a worker reaches the age of 18, child labor laws do not restrict their employment.

Florida's Child Labor Law defines "child" or "minor" as any person 17 years of age or younger, unless:³⁷

- The person is or has been married;
- The person's disability of nonage has been removed by a court of competent jurisdiction;
- The person is serving or has served in the Armed Forces of the United States;
- It has been found by a court having jurisdiction over the person that it is in the best interest of such minor to work and the court specifically approves any employment of such person, including the terms and conditions of such employment; or
- The person has graduated from an accredited high school or holds a high school equivalency diploma.

Minimum Age

Under Florida's Child Labor law, minors of any age may be employed as follows:³⁸

- As pages in the Florida Legislature.
- By the entertainment industry as prescribed in ss. 450.012, F.S., and 450.132, F.S.
- In domestic or farm work in connection with their own homes or the farm or ranch on which they live, or directly for their own parents or guardian, or in the herding, tending, and management of livestock, during the hours they are not required by law to be in school.

The law provides the following prohibitions:

- Persons 10 years-of-age or younger: Prohibited from engaging in the sale and distribution of newspapers.
- Except as provided above, persons 13 years-of-age or younger: Prohibited from being employed, permitted, or suffered to work in any gainful occupation at any time.
- Persons 17 years old or younger: Whether or not such person's disabilities of nonage have been removed by marriage or otherwise, are prohibited from being employed, permitted, or suffered to work in any place where alcoholic beverages are sold at retail, except as provided in s. 562.13, F.S.³⁹ For example, a 16- or 17-year-old may work at a grocery store that sells alcohol under certain conditions and a restaurant that sells beer and wine under certain conditions.

The law provides the following prohibition to prevent minors being exploited and becoming victims of human trafficking:⁴⁰

³⁴ See ss. 450.001-450.165, F.S.

³⁵ S. 450.155, provides that Child Labor Law program appropriations made by the Legislature shall be used to carry out the proper responsibilities of administering the Child Labor Law, to protect the working youth of the state, and to provide education about the Child Labor Law to employers, public school employees, the general public, and working youth.

³⁶ Florida Department of Business and Professional Regulation, Child Labor, <http://www.myfloridalicense.com/DBPR/child-labor/> (last visited Dec. 3, 2023).

³⁷ S. 450.012(3), F.S.

³⁸ S. 450.021, F.S.

³⁹ Section 562.13, F.S., prohibits any vendor licensed under the Beverage Law from employing any person under 18 years of age. However, this section provides specific exceptions, including, but not limited to, professional entertainers under 17 years of-age, certain minors employed in the entertainment industry, persons under the age of 18 employed in drugstores, grocery stores, department stores, florists, specialty gift shops, or automobile service stations for consumption off the premises.

⁴⁰ S. 450.021(5), F.S.

- A person under the age of 18, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, may not be employed, permitted, or suffered to work in an adult theater, as defined in s. 847.001(2)(b), F.S.

Hazardous Occupations

Florida law prohibits minors 15 years-of-age or younger, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, from being employed or permitted or suffered to work in any of the following occupations:⁴¹

- In connection with power-driven machinery, except power mowers with cutting blades 40 inches or less.
- In any manufacturing that makes or processes a product with the use of industrial machines.
- The manufacture, transportation, or use of explosive or highly flammable substances.
- Sawmills or logging operations.
- On any scaffolding.
- In heavy work in the building trades.
- In the operation of a motor vehicle, except a motorscooter which he or she is licensed to operate, except that 14-year-old and 15-year-old workers may drive farm tractors in the course of their farmwork under the close supervision of their parents on a family-operated farm, and except that qualified 14-year-old and 15-year-old workers may drive tractors in the course of their farmwork under the close supervision of the farm operator. "Qualified," as used herein, means having completed a training course in tractor operation sponsored by a recognized agricultural or vocational agency, as evidenced by duly executed certificate, such certificate to be filed with the farm operator for the duration of the employment.
- In oiling, cleaning, or wiping machinery or shafting or applying belts to pulleys.
- In repairing of elevators or other hoisting apparatus.
- Work in freezers or meat coolers and all work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in another area. This shall not prohibit work done in the normal operations of a food service facility licensed by chapter 509, F.S.
- In the operation of power-driven laundry or drycleaning machinery or any similar power-driven machinery.
- At spray painting.
- Alligator wrestling, work in connection with snake pits, or similar hazardous activities.
- Door-to-door selling of magazine subscriptions, candy, cookies, flowers, or other merchandise or commodities, except merchandise of nonprofit organizations, such as the Girl Scouts of America or the Boy Scouts of America.
- In working with meat and vegetable slicing machines.

Florida law prohibits minors under 18 years-of-age, whether such person's disabilities of nonage have been removed, from being employed or permitted or suffered to work in any of the following places of employment or in any of the following occupations:⁴²

- In or around explosive or radioactive materials.
- On any scaffolding, roof, superstructure, residential or nonresidential building construction, or ladder above 6 feet.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- In or around toxic substances or corrosives, including pesticides or herbicides, unless proper field entry time allowances have been followed.
- Any mining occupation.
- In the operation of power-driven woodworking machines.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.

⁴¹ S. 450.061(1), F.S.

⁴² S. 450.061(2), F.S.

- In the operation of power-driven hoisting apparatus.
- In the operation of power-driven metal forming, punching, or shearing machines.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Slaughtering, meat packing, processing, or rendering, except as provided in 29 C.F.R. s. 570.61(c), F.S.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- In the operation of power-driven bakery machinery.
- In the operation of power-driven paper products and printing machines.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Manufacturing brick, tile, and like products.
- Wrecking or demolition.
- Excavation operations.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Logging or sawmilling.
- Working on electric apparatus or wiring.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Firefighting.
 - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Operating or assisting to operate, including starting, stopping, connecting or disconnecting, feeding, or any other activity involving physical contact associated with operating, a tractor over 20 PTO horsepower, any trencher or earthmoving equipment, fork lift, or any harvesting, planting, or plowing machinery, or any moving machinery.

Florida law prohibits the employment of minors under 18 years-of-age, whether such person's disabilities of nonage have been removed by marriage or otherwise, from being employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by the department to be hazardous and injurious.

These prohibitions do not apply to minors employed in the entertainment industry.⁴³

Hours of Work

Generally, Florida law allows minors who are 16 and 17 years-of-age to work in a broad range of jobs, unless the jobs are hazardous. Minors who are 14 and 15 years-of-age are allowed to work in a broad range of jobs but are limited in the number of hours per day and per week they may work, especially when school is in session.⁴⁴ Minors 13 years old or younger are prohibited from working in Florida, except in some limited situations.

Minors Under the Age of 16

For minors younger than 16 years-of-age, Florida Child Labor Law provides the following restrictions on hours of work:

- Before 7 a.m. or after 7 p.m. when school is scheduled the following day or for more than 15 hours in any one week.
- More than 3 hours on any school day, if not enrolled in a career education program, unless there is no session of school the following day.
- During holidays and summer vacations:

⁴³ S. 450.061(4), F.S.

⁴⁴ See S. 450.081, F.S.

- Before 7 a.m. or after 9 p.m.;
- For more than 8 hours in any one day; or
- For more than 40 hours in any one week.

Sixteen and Seventeen-Year-Olds

For minors 16 and 17 years-of-age, Florida's Child Labor Law provides the following restrictions on hours of work:

- Before 6:30 a.m. or after 11:00 p.m.
- More than 8 hours in any one day when school is scheduled the following day.
- When school is in session, more than 30 hours in any one week.
- During school hours on any school day, if not enrolled in a career education program.
- More than 6 consecutive days in any one week.
- More than 4 hours continuously without an interval of at least 30 minutes for a meal period.
 - No period of less than 30 minutes is deemed to interrupt a continuous period of work.

Exemptions

The hours of work restrictions do not apply to the following:⁴⁵

- Minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma.
- Minors who are within the compulsory school attendance age limit who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to the provisions of s. 1003.21(3), F.S.
- Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency.
 - Such determination must be made by the school superintendent or his or her designee, and a waiver of hours must be issued to the minor and the employer.
- Children in domestic service in private homes, children employed by their parents, or pages in the Florida Legislature.

Florida law provides that the presence of any minor in any place of employment during working hours is prima facie evidence of his or her employment.⁴⁶

Partial Waivers

In extenuating circumstances when it clearly appears to be in the best interest of the child, DBPR is authorized to grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers are granted upon a case-by-case basis and based upon such factors as the department, by rule, establishes as determinative of whether such waiver is in the best interest of a child.⁴⁷

DBPR, or the school district designee if the minor is enrolled in the public school system, is authorized to grant a waiver of any restriction imposed by the Child Labor Law, or by rule. In determining whether to grant a Partial Waiver, the Department shall consider all relevant information which may establish what is in the best interest of the minor, including:⁴⁸

- **School Status:** DBPR, or the school district designee, is required to grant a partial waiver based on school status when:
 - The minor will receive instruction by a tutor at the place of employment;
 - The minor has been authorized by the District School Superintendent to complete his or her education through alternative methods such as home school;
 - The minor has been permanently expelled from the public school system;

⁴⁵ S. 450.081(5), F.S.

⁴⁶ S. 450.081(6), F.S.

⁴⁷ S. 450.095, F.S.

⁴⁸ R. 61L-2.007, F.A.C.

- The minor is enrolled in school in a foreign country and is visiting Florida during his or her home country's non-school period; or
- The employment would provide an educational, vocational, or public service experience that would be beneficial to the minor.
 - Documentation shall consist of confirmation from the minor's school principal or the Superintendent of the School District and of copies of school records clearly defining the minor's school status.
- **Financial Hardship**: DBPR, or the school district designee, is required to grant a partial waiver based on financial hardship when compliance with the Child Labor Law or rule will result in undue financial hardship for the minor or the minor's immediate family. Documentation must include:
 - A notarized letter, explaining the particular circumstances creating a hardship, from a parent, guardian, or other adult, who knows and can attest to the minor's financial hardship; written confirmation from a school recently attended;
 - Documentation from a social service agency; or
 - Verification of participation in AFDC, Food Stamp, Project Independence, or other similar programs.
 - DBPR is authorized to require other documentation which proves financial hardship.
- **Medical Hardship**: DBPR, or the school district designee, must grant a partial waiver based on medical hardship when compliance with the Child Labor Law or rule will result in physical or mental hardship for the minor. Documentation may consist of written confirmation from the minor's physician stating the specific medical reasons that require the minor to be excused from mandatory school attendance and affirming that the minor to be excused from mandatory school attendance may be allowed to work the requested hours, or that the minor should be considered an adult for the purpose of work hours.
- **Other Hardship**: DBPR, or school district designee, must grant a partial waiver based on other hardship when compliance with the Child Labor Law or rule will result in unreasonable hardship to the minor in specific situations.
- **Court Order**: DBPR, or the school district designee, must grant a partial waiver based on a court order when compliance with the Child Labor Law or rule will result in the minor violating an order issued by a court mandating that the minor work specified hours or in a specified occupation.

According to DBPR, for the current fiscal year, the department has received 1,416 waiver applications. Of this amount, 639 have been approved and 777 have been found to be deficient.⁴⁹

Enforcement

DBPR and local law enforcement are required to:⁵⁰

- Enforce the provisions of the Child Labor Law;
- Make complaints against persons violating its provisions; and
- Prosecute violations.

DBPR is authorized to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and other records. Designated school representatives are required to report to DBPR all violations of the Child Labor Law.⁵¹

The Child Labor Law also provides that:

- Trial courts in the state have the duty to issue warrants and try cases within their jurisdiction in connection with violations of the Child Labor Law.
- Grand juries have inquisitorial powers to investigate violations, and trial court judges shall specially charge the grand jury to investigate violations of the Child Labor Law.

⁴⁹ Email from Derek Miller, Director of Legislative Affairs, Florida Department of Business and Professional Regulation, RE: Child Labor Partial Waivers, (Dec. 11, 2023).

⁵⁰ S. 450.121(1), F.S.

⁵¹ S. 450.121(2), F.S.

The Child Labor Law provides the following penalties for violations:⁵²

- Second degree misdemeanor, punishable by up to 60 days in prison⁵³ and a \$500 fine.⁵⁴
 - Each day during which any violation of this law continues, and the employment of any minor in violation of the law, constitutes a separate and distinct offense.
- Second degree felony, punishable by up to 15 years in prison,⁵⁵ a \$10,000 fine,⁵⁶ or up to 30 years in prison for habitual offenders⁵⁷ any person who:⁵⁸
 - Takes, receives, hires, employs, uses, exhibits, or, in any manner or under any pretense, causes or permits any child less than 18 years of age to suffer;
 - Inflicts upon any such child unjustifiable physical pain or mental suffering;
 - Willfully causes or permits the life of any such child to be endangered or his or her health to be injured or such child to be placed in such situation that his or her life may be endangered or health injured; or
 - Has in custody any such child for any of these purposes.

The Child Labor Law authorizes DBPR to provide administrative fines not to exceed \$2,500 per offense.⁵⁹ Upon discovery by DBPR that an employer is in violation, it is required to give written notice to the employer specifying the violation, the facts alleged to constitute the violation, and the requirements and time limitations for remedial action. If the employer refuses or fails to comply, DBPR is authorized to seek assessment of the following schedule of fines:⁶⁰

Violation	1st Offense	2nd Offense	3rd and Subsequent Offenses
Child Labor Poster	Up to \$500	Up to \$1,000	Up to \$1,500
Employment of Minor	Up to \$1,000	Up to \$1,500	Up to \$2,500
Proof of Age or Copy of Partial Waiver	Up to \$700	Up to \$1,200	Up to \$2,000
Employment of Minor in Violation of Beverage law.	Up to \$1,000	Up to \$1,500	Up to \$2,500
Work Hours or Consecutive Days	Up to \$1,000	Up to \$1,500	Up to \$2500
Hazardous Occupation	Up to \$1,500	Up to \$2,000	Up to \$2,500
Employment of minor in violation of any provision of Child Labor.	Up to \$2,500	Up to \$2,500	Up to \$2,500
Law or this rule chapter which results in injury or death to minor.			
Violation of proof of age and identity requirements for Adult Theaters.	Up to \$1,000	Up to \$2,000	Up to \$2,500
Any other violation of the Child Labor Law or this rule chapter.	Up to \$1,000	Up to \$1,500	Up to \$2,500
Failure to provide records or documentation upon request.	Up to \$500	Up to \$1,200	Up to \$2,000

Career Education Exemptions

Florida's Child Labor Law specifies that it does not:

- Prevent minors of any age from receiving career education furnished by the U.S., this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the Department of Economic Opportunity; or
- Prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is

⁵² S. 450.141(1), F.S.

⁵³ S. 775.082, F.S.

⁵⁴ S. 775.083, F.S.

⁵⁵ S. 775.082, F.S.

⁵⁶ S. 775.083, F.S.

⁵⁷ S. 775.084, F.S.

⁵⁸ S. 450.151, F.S.

⁵⁹ S. 450.141(2), F.S.

⁶⁰ R. 61L-2.009, F.A.C.

employed, provided the employment is in compliance with the provisions of ss. 450.021(4), F.S. and 450.061, F.S.

Exemptions for the employment of student learners 16 to 18 years-of-age provided in s. 450.061, F.S., apply when:⁶¹

- The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.
- Such student learner is employed under a written agreement that provides:
 - That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.
 - That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
 - That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
 - That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Proof of Identity

In order to hire a child to work, the law requires an employer to obtain and keep on record during the entire period of employment proof of the child's age.⁶² Employers who hire minors are also required to post posters notifying minors of the Child Labor Law.⁶³

Local Juvenile Curfew Ordinances

Florida authorizes cities and counties to enact their own curfew ordinances for minors under the age of 16.⁶⁴ The law provides the following statutory restrictions that do not apply unless they are adopted by a governing body of the county or municipality:⁶⁵

- A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.
- A minor may not be or remain in a public place or establishment between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays.
- A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day.

Local curfew ordinances for minors under the age of 16 are allowed to be more or less stringent than the statutory curfew.⁶⁶

These restrictions do not apply to a minor who is:⁶⁷

- Accompanied by his or her parent or by another adult authorized by the minor's parent to have custody of the minor.
- Involved in an emergency or engaged, with his or her parent's permission, in an emergency errand.
- Attending or traveling directly to or from an activity that involves the exercise of rights protected under the First Amendment of the United States Constitution.

⁶¹ S. 450.161, F.S.

⁶² S. 450.045(1), F.S. Such proof must include photocopies of the child's birth certificate and driver license, an age certificate issued by the district school board of the district in which the child is employed, certifying the child's date of birth, or a photocopy of a passport or visa which lists the child's date of birth.

⁶³ S. 450.045(2), F.S.

⁶⁴ See ss. 877.20-877.25, F.S.

⁶⁵ S. 877.22, F.S.

⁶⁶ S. 877.25, F.S.

⁶⁷ S. 877.24, F.S.

- Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.
- Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.
- On the property of, or on the sidewalk of, the place where the minor resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.
- Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.
- Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013(9), F.S.

A minor in violation must receive a written warning for a first violation. A minor who violates this section after having received a prior written warning is guilty of a civil infraction and must pay a fine of \$50 for each violation.⁶⁸

A minor who violates a curfew and is taken into custody must be transported immediately to a police station or facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency.⁶⁹

After recording pertinent information about the minor, law enforcement is required to attempt to contact the parent of the minor, and:⁷⁰

- If successful, request that the parent take custody of the minor and must release the minor to the parent.
- If not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency is authorized to transport the minor to her or his residence or take the child into custody as provided under part IV of chapter 39, F.S.

The parent of a minor who knowingly permits the minor to violate the curfew law is required to receive a written warning for a first violation. A parent who knowingly permits the minor to violate the curfew law after receiving a prior written warning is guilty of a civil infraction and subject to a fine of \$50 for each violation.⁷¹

According to a 2016 Florida Attorney General opinion, if a municipality adopts an ordinance that incorporates the state juvenile curfew provisions (ss. 877.20 – 877.24, F.S.) by reference, "it may not alter the statutory terms expressed in the statutes." However, the authority (s. 877.25, F.S.) to provide restrictions more stringent or less stringent than the state curfew provisions, does not "preclude a municipality from adopting an independently crafted juvenile curfew ordinance, but any such locally-crafted language must comport with federal and state constitutional law relating to juvenile curfews."⁷²

Effect of the Bill

Child Labor

The bill removes the following restrictions on work hours for minors 16 and 17 years-of-age:

- Working before 6:30 a.m. or after 11:00 p.m. or for more than 8 hours in any one day when school is scheduled the following day.
- When school is in session, working more than 30 hours in any one week.
- On any school day, being gainfully employed during school hours if they are not enrolled in a career education program.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ S. 877.23, F.S.

⁷² 2016-11 Fla. Op. Att'y Gen. (2016).

The bill reduces the age from 17 years-of-age to 15 years-of-age, which will continue to prohibit minors 15 years old or younger from working more than:

- 6 consecutive days in any one week.
- 4 hours continuously without an interval of at least 30 minutes for a meal period.

The bill removes the exception from the restrictions for minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma, because such exception will no longer be necessary.

The bill clarifies that minors 16 and 17 years-of-age may work the same number of hours as a person who is 18 years-of-age or older.

Local Juvenile Curfew Ordinances

The bill provides that a governing body of a county or municipality may adopt an ordinance that regulates the presence of minors, as defined in s. 450.12, F.S., in public places and establishments that are more stringent or less stringent than the restrictions in ss. 877.20-877.24, F.S., provided that the ordinance

contains the exceptions provided in s. 877.24, F.S., which allow these individuals to be:

- Accompanied by a parent or another adult authorized by the parent to have custody of the minor.
- Involved in an emergency or engaged, with the parent's permission, in an emergency errand.
- Attending or traveling directly to or from an activity that involves the exercise of rights protected under the First Amendment of the United States Constitution.
- Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.
- Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.
- On the property of, or on the sidewalk of, the place where the minor resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.
- Engaged in interstate travel or bona fide intrastate travel with the consent of the parent.
- Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013(9), F.S.

B. SECTION DIRECTORY:

Section 1: Amends s. 450.081, F.S., removing certain employment restrictions for minors 16 and 17 years of age; revising the age at which certain employment restrictions apply.

Section 2: Amends s. 877.25, F.S., requiring a curfew adopted by county or municipal ordinance to include certain exceptions.

Section 3: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may increase opportunities for 16 and 17-year-old individuals to work and generate income.

The bill may allow certain employers to employ 16 and 17-year-old individuals without having to comply with the burdensome requirements in current law.

The bill may increase labor force participation among 16 and 17-year-old individuals, which may result in a reduction of obtaining higher skills, education, and healthcare for these individuals.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On December 13, 2023, the Regulatory Reform & Economic Development Subcommittee considered the bill, adopted one amendment, and reported the bill favorably as a committee substitute. The amendment clarifies that ordinances adopted by a governing body of a county or municipality that regulate the presence of minors in public places and establishments that are more stringent or less stringent than the restrictions in the current law:

- Apply to minors under the age of 18, as defined in s. 450.12, F.S.; and
- Must contain the exceptions provided in s. 877.24, F.S., which allow minors during curfew hours to go to and from work and school, and be involved in emergencies.

1 A bill to be entitled
 2 An act relating to employment and curfew of minors;
 3 amending s. 450.081, F.S.; removing certain employment
 4 restrictions for minors 16 and 17 years of age;
 5 revising the age at which certain employment
 6 restrictions apply; amending s. 877.25, F.S.;;
 7 requiring a curfew adopted by county or municipal
 8 ordinance to include certain exceptions; providing an
 9 effective date.

10

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

12

13 Section 1. Section 450.081, Florida Statutes, is amended
 14 to read:

15 450.081 Hours of work in certain occupations.—

16 (1) (a) Minors 15 years of age or younger may ~~shall~~ not be
 17 employed, permitted, or suffered to work before 7 a.m. or after
 18 7 p.m. when school is scheduled the following day or for more
 19 than 15 hours in any one week. On any school day, minors 15
 20 years of age or younger who are not enrolled in a career
 21 education program may ~~shall~~ not be gainfully employed for more
 22 than 3 hours, unless there is no session of school the following
 23 day.

24 (b) During holidays and summer vacations, minors 15 years
 25 of age or younger may ~~shall~~ not be employed, permitted, or

26 | suffered to work before 7 a.m. or after 9 p.m., for more than 8
 27 | hours in any one day, or for more than 40 hours in any one week.

28 | ~~(2) Minors 16 and 17 years of age shall not be employed,~~
 29 | ~~permitted, or suffered to work before 6:30 a.m. or after 11:00~~
 30 | ~~p.m. or for more than 8 hours in any one day when school is~~
 31 | ~~scheduled the following day. When school is in session, minors~~
 32 | ~~16 and 17 years of age shall not work more than 30 hours in any~~
 33 | ~~one week. On any school day, minors 16 and 17 years of age who~~
 34 | ~~are not enrolled in a career education program shall not be~~
 35 | ~~gainfully employed during school hours.~~

36 | (2)~~(3)~~ Minors 15 17 years of age or younger may ~~shall~~ not
 37 | be employed, permitted, or suffered to work in any gainful
 38 | occupation for more than 6 consecutive days in any one week.

39 | (3)~~(4)~~ Minors 15 17 years of age or younger may ~~shall~~ not
 40 | be employed, permitted, or suffered to work for more than 4
 41 | hours continuously without an interval of at least 30 minutes
 42 | for a meal period; and for the purposes of this law, a ~~no~~ period
 43 | of less than 30 minutes is not ~~shall be~~ deemed to interrupt a
 44 | continuous period of work.

45 | (4)~~(5)~~ The provisions of Subsections (1)-(3) ~~do~~ ~~(1)-(4)~~
 46 | ~~shall~~ not apply to:

47 | ~~(a) Minors 16 and 17 years of age who have graduated from~~
 48 | ~~high school or received a high school equivalency diploma.~~

49 | (a)~~(b)~~ Minors who are within the compulsory school
 50 | attendance age limit who hold a valid certificate of exemption

51 issued by the school superintendent or his or her designee
 52 pursuant to ~~the provisions of~~ s. 1003.21(3).

53 ~~(b)-(e)~~ Minors enrolled in a public educational institution
 54 who qualify on a hardship basis such as economic necessity or
 55 family emergency. ~~Such determination shall be made by~~ The school
 56 superintendent or his or her designee shall make such
 57 determination and issue, ~~and a waiver of hours shall be issued~~
 58 to the minor and the employer. The form and contents thereof
 59 shall be prescribed by the department.

60 ~~(c)-(d)~~ Minors ~~Children~~ in domestic service in private
 61 homes, minors ~~children~~ employed by their parents, or pages in
 62 the Florida Legislature.

63 ~~(5)-(6)~~ The presence of a ~~any~~ minor in any place of
 64 employment during working hours is ~~shall be~~ prima facie evidence
 65 of his or her employment therein.

66 (6) Minors 16 and 17 years of age may be employed,
 67 permitted, or suffered to work the same number of hours as a
 68 person who is 18 years of age or older.

69 Section 2. Section 877.25, Florida Statutes, is amended to
 70 read:

71 877.25 Local ordinance required; effect.—Sections 877.20-
 72 877.24 do not apply in a county or municipality unless the
 73 governing body of the county or municipality adopts an ordinance
 74 that incorporates by reference ~~the provisions of~~ ss. 877.20-
 75 877.24. Sections 877.20-877.24 do not preclude county or

76 | municipal ordinances regulating the presence of minors, as
77 | defined in s. 450.012(3), in public places and establishments
78 | which provide restrictions more stringent or less stringent than
79 | the curfew imposed under s. 877.22. However, a curfew adopted by
80 | a county or municipal ordinance must also include the exceptions
81 | contained in s. 877.24.

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

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Local Administration,
 2 Federal Affairs & Special Districts Subcommittee
 3 Representative Chaney offered the following:

Amendment

6 Remove lines 28-48 and insert:

7 (2) Minors 16 and 17 years of age may ~~shall~~ not be
 8 employed, permitted, or suffered to work before 6:00 ~~6:30~~ a.m.
 9 or after 11:00 p.m. ~~or for more than 8 hours in any one day~~ when
 10 school is scheduled the following day. ~~When school is in~~
 11 ~~session, minors 16 and 17 years of age shall not work more than~~
 12 ~~30 hours in any one week.~~ On any school day, minors 16 and 17
 13 years of age who are not enrolled in a career education program
 14 shall not be gainfully employed during school hours unless the
 15 minor is in a home education program, is enrolled in an approved

Amendment No.

16 virtual instruction program, or the student no longer attends
17 school pursuant to s. 1003.21.

18 (3) Minors 15 ~~17~~ years of age or younger may ~~shall~~ not be
19 employed, permitted, or suffered to work in any gainful
20 occupation for more than 6 consecutive days in any one week.

21 (4) Minors 15 ~~17~~ years of age or younger may ~~shall~~ not be
22 employed, permitted, or suffered to work for more than 4 hours
23 continuously without an interval of at least 30 minutes for a
24 meal period; and for the purposes of this law, a no period of
25 less than 30 minutes is not shall be deemed to interrupt a
26 continuous period of work. Minors 16 or 17 years of age must be
27 granted breaks and meal periods in the same manner as similarly
28 permitted for employees who are 18 years of age or older.

29 (5) ~~The provisions of~~ Subsections (1)-(4) do ~~shall~~ not
30 apply to:

31 (a) Minors 16 and 17 years of age who have graduated from
32 high school or received a high school equivalency diploma.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 49 (2024)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Local Administration,
2 Federal Affairs & Special Districts Subcommittee
3 Representative Brackett offered the following:
4

Amendment to Amendment (202695) by Representative Chaney

6 Remove lines 24-25 of the amendment and insert:
7 meal period; and for the purposes of this law, a ~~ne~~ period of
8 less than 30 minutes is not ~~shall be~~ deemed to interrupt a

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 271 Motor Vehicle Parking on Private Property

SPONSOR(S): Lopez, V. and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 388

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Mwakyanjala	Darden
2) State Affairs Committee			

SUMMARY ANALYSIS

Current law authorizes the owner or operator of private property used as a motor vehicle parking facility to establish rules and rates that govern private persons parking at the facility. These rates may include parking charges for violating the rules of the property owner or operator. Any rules or rates must be posted and clearly visible to those parking at the facility. Invoices for parking charges must contain specified information to show the charges are not being levied by a governmental entity. Counties and municipalities are prohibited from enacting an ordinance or regulation restricting or prohibiting the right of a private property owner or operator to establish such rules and rates. Any ordinance or regulation that violates the prohibition is null and void.

The bill:

- Requires the rules and rates for parking facilities to be posted in a manner that is legible and clearly visible when entering and exiting the area used for parking;
- Requires any invoice for parking charges to be mailed within 48 hours of the violation;
- Prohibits the owners or operators of a privately-owned parking facility from assessing a late fee for at least 30 days after the invoice's postmarked date of mailing;
- Requires all invoices issued by the owner or operator to include an appeal process adjudicated by a neutral third-party to be available to any party believing to have received the invoice in error;
- Establishes a 10-minute grace period in which owners and operators of privately-owned parking facilities may not charge vehicle operators that enter the parking facility, provided the vehicle does not park; and
- Prohibits an owner or operator from allowing payment using a mobile payment application unless the application sends notice to the application's user when the parking session has expired or if the vehicle exits the facility without paying.

The bill clarifies that the prohibition on counties and municipalities enacting ordinances or regulations restricting in any manner the parking rates charged by property owners and operators of privately-owned parking facilities includes parking charges for violating the rules of the property owner or operator.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2019, the City of Miami passed an emergency ordinance banning the operators of a privately-owned parking facility in the city from issuing citations for violations of facility rules, claiming that such citations caused confusion for the recipients who sometimes thought the citations were city-issued and could lead to civil or criminal penalties.¹ In 2021, the City of Miami amended the ordinance to authorize the issuance of private parking citations if they are not called a “violation, citation, or ticket” and include a notice informing the recipient that “[t]his invoice is privately issued, is not issued by a governmental authority, and is not subject to civil or criminal penalties.”² That same year, Broward County enacted an ordinance making it “unlawful for any person, including a parking facility operator or agent, to issue a private ticket to a motor vehicle or to the owner of any such vehicle.”³

In 2022, the Legislature enacted s. 715.071, F.S., which expressly authorizes the owner or operator of private property used as a motor vehicle parking facility to establish rules and rates that govern private persons parking at the facility.⁴ As part of establishing rules and rates, property owners or operators may also set parking charges for violating the parking facility’s rules. Any rules and rates must be posted and clearly visible to persons parking motor vehicles on the property. If the owner or operator of the property issues an invoice for any parking charges, that invoice must include the following statement in uppercase type:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL
AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL PENALTIES.

Counties and municipalities are prohibited from enacting an ordinance or regulation restricting or prohibiting the right of a private property owner or operator to establish rules and rates.⁵ Any ordinance or regulation that violates this prohibition is null and void.

Effect of Proposed Changes

The bill requires the owner or operator of a privately-owned parking facility to post the rules and rates in a manner than is legible and clearly visible upon entering and exiting the area used for parking.

The bill provides that any invoice for parking charges must be mailed within 48 hours of the violation. The owner or operator may not assess a late fee for at least 30 days after the postmarked date of the invoice and the invoice must include a method to appeal for a party who believes they have received the invoice in error. The bill requires the appeal must be heard by a neutral third-party adjudicator with the authority to review and make a determination on the validity of the appeal.

The bill clarifies that the prohibition on counties and municipalities enacting ordinances or regulations restricting the parking rates charged by property owners and operators of privately-owned property for motor vehicle parking includes parking charges for violating the rules of the property owner or operator.

¹ City of Miami, Fla. Ord. No. 13840 (enacted May 23, 2019); S. 25-292, City of Miami, Fla. Code of Ordinances.

² City of Miami, Fla. Ord. No. 13990 (enacted April 22, 2021); S. 25-292, City of Miami, Fla. Code of Ordinances.

³ Broward County, Fla. Ord. No. 2021-43 (enacted Sept. 21, 2021); S. 20-164.2, Broward County, Fla. Code of Ordinances.

⁴ S. 715.075(1), F.S.

⁵ S. 715.075(2), F.S.

The bill establishes a 10-minute grace period in which owners and operators of privately-owned parking facilities may not charge vehicle operators that enter the private property, if the vehicle does not park during the grace period.

The bill prohibits an owner or operator of a privately-owned parking facility from using a mobile payment application unless the application sends a notice to the application's user when the parking session has expired or if the vehicle leaves the premises without paying.

B. SECTION DIRECTORY:

Section 1: Amends s. 715.075, F.S., relating to the use of private property for motor vehicle parking.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The requirement to have invoices be mailed within 48 hours, a 30-day waiting period before assessing late fees, and the 10-minute grace period may reduce the revenue of the owners and operators of privately-owned parking facilities.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

HB 271

2024

1 A bill to be entitled
2 An act relating to motor vehicle parking on private
3 property; amending s. 715.075, F.S.; requiring that
4 posted rules and rates for certain parking facilities
5 meet specified legibility and visibility standards;
6 prohibiting issuance of invoices for parking unless
7 such invoices include a method for appeal; providing
8 requirements for such appeal process; requiring that
9 invoices for parking charges to be sent within a
10 certain period of time; prohibiting the assessment of
11 a late fee before a certain period; prohibiting a
12 county or municipality from adopting a certain
13 ordinance or regulation; requiring a specified grace
14 period before certain charges may be incurred;
15 providing an exception; prohibiting payment through a
16 mobile payment application unless such application
17 sends specified notices to the user; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 715.075, Florida Statutes, is amended
23 to read:

24 715.075 Vehicles parked on private property; rules and
25 rates authorized.—

26 (1) (a) The owner or operator of a private property used
 27 for motor vehicle parking may establish rules and rates that
 28 govern private persons parking motor vehicles on such private
 29 property. Such rules and rates may include parking charges for
 30 violating the property owner's or operator's rules and must be
 31 posted, legible, and clearly visible to persons entering and
 32 exiting the area used for motor vehicle parking ~~motor vehicles~~
 33 ~~on such private property.~~ However, an invoice for parking
 34 charges may not be issued unless the invoice includes a method
 35 to appeal the invoice by a party who believes they have received
 36 the invoice in error. The appeal process must use a neutral
 37 third-party adjudicator with the authority to review and
 38 authorize or deny the appeal.

39 (b) An invoice for parking charges issued under this
 40 section must include the following statement in uppercase type:
 41 THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A
 42 GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL
 43 PENALTIES.

44 (c) An invoice for parking charges issued under this
 45 section must be mailed within 48 hours of the violation. The
 46 owner or operator of a private property used for motor vehicle
 47 parking may not assess a late fee for a period of at least 30
 48 days after the postmarked date of the mailing.

49 (2) A county or municipality may not enact an ordinance or
 50 a regulation restricting in any manner the parking rates charged

HB 271

2024

51 ~~by or prohibiting a right of~~ a private property owner or
52 operator, including parking charges for violating the rules of
53 the property owner or operator established under subsection (1).

54 Any such ordinance or regulation is a violation of this section
55 and is null and void.

56 (3) The owner or operator of a private property used for
57 motor vehicle parking must allow a grace period of at least 10
58 minutes upon entrance to such property before any parking
59 charges may be incurred, provided that the motor vehicle does
60 not park during that time.

61 (4) The owner or operator of a private property used for
62 motor vehicle parking may only allow payment through a mobile
63 payment application if such application sends a notice to the
64 application's user when the parking session has expired or if
65 the motor vehicle exits the premises without paying.

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

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Local Administration,
 2 Federal Affairs & Special Districts Subcommittee
 3 Representative Lopez, V. offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 715.075, Florida Statutes, is amended
 8 to read:

9 715.075 Vehicles parked on private property; rules and
 10 rates authorized.—

11 (1) (a) The owner or operator of a private property used
 12 for motor vehicle parking may establish rules and rates that
 13 govern private persons parking motor vehicles on such private
 14 property. Such rules and rates may include parking charges for
 15 violating the property owner's or operator's rules. The owner or
 16 operator of a private property used for motor vehicle parking

Amendment No.

17 ~~and~~ must place signage that is legible ~~be posted~~ and clearly
18 visible to persons entering the area used for motor vehicle
19 parking ~~motor vehicles on such private property~~. The signage
20 must state that the property is not operated by a governmental
21 entity, list the rates for parking, including parking charges
22 for violating the rules of the property owner or operator, and
23 provide notice of the grace period and appeal process provided
24 by this section. Such signage may be regulated by the county or
25 municipality in which the property is located.

26 (b) An invoice for parking charges issued under this
27 section must include the following statement in uppercase type:
28 THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A
29 GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL
30 PENALTIES.

31 (c) An invoice for parking charges issued for violating
32 the rules of the property owner or operator of a private
33 property used for motor vehicle parking must be placed on the
34 motor vehicle in a prominent location or mailed within 5 days of
35 the violation. The owner or operator of a private property used
36 for motor vehicle parking may not assess a late fee until the
37 denial of any appeal filed pursuant to paragraph (d) or for a
38 period of at least 30 days after the invoice is placed on the
39 motor vehicle or the postmarked date of the mailing, whichever
40 is later.

Amendment No.

41 (d) An invoice for parking charges issued under this
42 section must include a method to appeal the invoice by a party
43 who believes they have received the invoice in error. Such
44 appeal must be filed within 30 days after the invoice is placed
45 on the motor vehicle or after the postmarked date of the mailing
46 of the invoice. The appeal process must use a neutral third-
47 party adjudicator with the authority to review and approve or
48 deny the appeal.

49 (2) A county or municipality may not enact an ordinance
50 or a regulation restricting or prohibiting a right of a private
51 property owner or operator established under subsection (1). Any
52 such ordinance or regulation is a violation of this section and
53 is null and void.

54 (3) The owner or operator of a private property used for
55 motor vehicle parking must allow a grace period of at least 10
56 minutes upon entrance to such property before any parking
57 charges may be incurred, provided that the motor vehicle does
58 not park during that time.

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

60
61

T I T L E A M E N D M E N T

62 Remove everything before the enacting clause and insert:

63 An act relating to motor vehicle parking on private
64 property; amending s. 715.075, F.S.; requiring signage for
65

Amendment No.

66 certain parking facilities that meets specified legibility and
67 visibility standards; providing required contents of signage;
68 requiring that invoices for parking charges be placed on the
69 motor vehicle in a prominent location or be sent within a
70 certain period of time; prohibiting the assessment of a late fee
71 before a certain period; requiring a method of appeal for
72 parking invoices; providing requirements for such appeal
73 process; requiring a specified grace period before certain
74 charges may be incurred; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 319 Pub. Rec./Military Personnel and Their Families

SPONSOR(S): Holcomb and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 548

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Mwakyanjala	Darden
2) Ethics, Elections & Open Government Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Current law provides several public record exemptions for certain identification and location information of specified current or former agency employees and their spouses and children. However, it does not provide a public record exemption for certain United States military personnel.

The bill creates a public record exemption for the following identification and location information of current or former military personnel and their spouses and dependents:

- Home addresses, telephone numbers, and dates of birth of current or former military personnel, and the telephone numbers associated with the personal communication devices of such personnel;
- Home addresses, telephone numbers, and dates of birth of the spouses and dependents of current or former military personnel, and the telephone numbers associated with the personal communication devices of such spouses and dependents; and
- Names and locations of schools attended by the spouses of current or former military personnel, and schools and day care facilities attended by dependents of such personnel.

The bill defines “military personnel” to mean persons employed by the U.S. Department of Defense who have been authorized to access information deemed “secret” or “top secret” by the Federal Government, as well as current or former servicemembers of a special operations force.

In order for the exemption to apply, the military personnel member must submit to the custodial agency a written request that his or her information be exempt and a written statement that reasonable efforts have been made by the military personnel member to protect the identification and location information from being accessible through other means available to the public.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the Florida Constitution.

The bill may have a negative, but likely insignificant, fiscal impact on state and local governments.

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Records

Article I, s. 24(a) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ The Legislature, however, may provide by general law for exemption from public record requirements provided the exemption passes by two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.²

Public policy regarding access to government records is also addressed by statute. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.³ Furthermore, the Open Government Sunset Review Act⁴ provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose that is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.⁵ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.⁶

Pursuant to the Open Government Sunset Review Act, a new public record exemption or substantial amendment of an existing public record exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.

Current Public Record Exemptions for Identification and Location Information

Current law provides several public record exemptions for certain identification and location information of specified current or former agency employees and their spouses and children.⁷ Information and location information typically includes the home addresses,⁸ telephone numbers,⁹ dates of birth, and photographs of specified agency employees and their spouses and children. Additionally, the places of employment of the spouses and children of the specified agency employees as well as the names and

¹ Art. I, s. 24(a), FLA. CONST.

² Art. I, s. 24(c), FLA. CONST.

³ A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of s. 119.07(1), F.S., or s. 24, Art. I of the State Constitution. See s. 119.011(8), F.S.

⁴ S. 119.15, F.S.

⁵ S. 119.15(6)(b), F.S.

⁶ *Id.*

⁷ See s. 119.071(4)(d), F.S.

⁸ The term "home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. S. 119.071(4)(d)1.a., F.S.

⁹ The term "telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices. S. 119.071(4)(d)1.b., F.S.

locations of schools and day care facilities attended by those children are exempt from public record requirements.

Current law also provides a public record exemption for certain identification and location information of United States attorneys and assistant U.S. attorneys, U.S. Courts of Appeal judges, U.S. District Court judges, and U.S. Magistrates, as well as their spouses and children.¹⁰ In order for the exemption to apply, the attorney, judge, or magistrate must submit to the custodial agency a written request to exempt the information from public record requirements.¹¹ In addition, the attorney, judge, or magistrate must submit a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.¹²

A similar public record exemption for the identification and location information of current or former members of the U.S. Armed Forces, their reserve components, and the National Guard, who served after September 11, 2001, as well as their spouses and children used to exist. However, that exemption sunset on October 2, 2020.¹³

Effect of Proposed Changes

The bill creates a public record exemption for the identification and location information of current and former military personnel and their spouses and dependents. The bill defines “military personnel” to mean persons employed by the U.S. Department of Defense who have been authorized to access information deemed “secret” or “top secret” by the Federal Government, as well as current or former servicemembers of a special operations force.¹⁴

Specifically, the public record exemption provides that the following identification and location information is exempt¹⁵ from public record requirements:

- Home addresses, telephone numbers, and dates of birth of current and former military personnel, and the telephone numbers associated with the personal communication devices of such personnel;
- Home addresses, telephone numbers, and dates of birth of the spouses and dependents of current and former military personnel, and the telephone numbers associated with the personal communication devices of such spouses and dependents; and
- Names and locations of schools attended by the spouses of current and former military personnel, and schools and day care facilities attended by dependents of such personnel.

In order for the exemption to apply, the military personnel member must submit to the custodial agency a written request to exempt the information from public record requirements and a written statement that he or she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public.

¹⁰ S. 119.071(5)(i), F.S.

¹¹ S. 119.071(5)(i)2.a., F.S.

¹² S. 119.071(5)(i)2.b., F.S.

¹³ Formerly s. 119.071(5)(k), F.S.

¹⁴ The bill defines “special operations force” to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes, but is not limited to, servicemembers of the U.S. Army Special Forces and the U.S. Army 75th Ranger Regiment; the U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen; the U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the U.S. Marine Corps Critical Skills Operators; and any other component of the U.S. Special Operations Command approved by the commission.

¹⁵ There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. See Attorney General Opinion 85-62, Aug. 1, 1985.

The bill provides the constitutionally required public necessity statement.¹⁶ Pursuant to the Open Government Sunset Review Act, the bill provides that the exemption will repeal on October 2, 2029, unless reenacted by the Legislature.

B. SECTION DIRECTORY:

Section 1: Amends s. 119.071, F.S., relating to general exemptions from inspecting or copying of records.

Section 2: Provides a public necessity statement.

Section 3: Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill could create a negative, but likely insignificant, fiscal impact on state and local agencies as staff for those entities could require training related to the public record exemption. It is unclear whether the staff will experience an increase in workload due to the number of military personnel who may take advantage of the public record exemption. The costs should be absorbed as they are part of the day-to-day responsibilities of the agency.

¹⁶ Art. I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the public necessity justifying the exemption.”

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; thus, it includes a public necessity statement. The public necessity statement provides, in part, that as terrorist groups have threatened military personnel and their families and have encouraged terrorist sympathizers to harm military personnel and their families within the United States, the Legislature finds that allowing continued public access to the identification and location information of current or former military personnel and their families jeopardizes the safety of these military personnel, their spouses, and their dependents.

Breadth of Exemption

Article I, s. 24(c) of the Florida Constitution requires a newly created or expanded public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for the identification and location information of current or former military personnel, as well as the spouses and dependents of such persons. The exemption is limited to those military personnel who serve or served in a special operations force, or who are or were employed by the U.S. Department of Defense and authorized to access information deemed "secret" or "top secret" by the Federal Government, to prevent potential harm to those persons and their families by terrorists or terrorist sympathizers. As such, it does not appear to be in conflict with the constitutional requirement that it be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing definitions; providing an
 4 exemption from public records requirements for
 5 identification and location information of certain
 6 current and former military personnel and their
 7 spouses and dependents; providing applicability;
 8 providing for future legislative review and repeal of
 9 the exemption; providing a statement of public
 10 necessity; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (k) is added to subsection (5) of
 15 section 119.071, Florida Statutes, to read:

16 119.071 General exemptions from inspection or copying of
 17 public records.—

18 (5) OTHER PERSONAL INFORMATION.—

19 (k)1. For purposes of this paragraph, the term:

20 a. "Identification and location information" means the:

21 (I) Home addresses, telephone numbers, and dates of birth
 22 of current and former military personnel, and the telephone
 23 numbers associated with the personal communication devices of
 24 current and former military personnel.

25 (II) Home addresses, telephone numbers, and dates of birth
 26 of the spouses and dependents of current and former military
 27 personnel, and the telephone numbers associated with the
 28 personal communication devices of such spouses and dependents.

29 (III) Names and locations of schools attended by the
 30 spouses of current and former military personnel and schools or
 31 day care facilities attended by dependents of current and former
 32 military personnel.

33 b. "Military personnel" means persons employed by the
 34 United States Department of Defense who are authorized to access
 35 information that is deemed "secret" or "top secret" by the
 36 Federal Government or who are servicemembers of a special
 37 operations force.

38 c. "Special operations force" has the same meaning as
 39 provided in s. 943.10(22).

40 2. Identification and location information held by an
 41 agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the
 42 State Constitution if the current or former military personnel
 43 member submits to an agency that has custody of the
 44 identification and location information:

45 a. A written request to exempt the identification and
 46 location information from public disclosure; and

47 b. A written statement that he or she has made reasonable
 48 efforts to protect the identification and location information

49 from being accessible through other means available to the
50 public.

51 3. This exemption applies to identification and location
52 information held by an agency before, on, or after the effective
53 date of this exemption.

54 4. This paragraph is subject to the Open Government Sunset
55 Review Act in accordance with s. 119.15 and shall stand repealed
56 on October 2, 2029, unless reviewed and saved from repeal
57 through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public
59 necessity that identification and location information of
60 current and former military personnel, and their spouses and
61 dependents, that is held by an agency be made exempt from s.
62 119.07(1), Florida Statutes, and s. 24(a), Article I of the
63 State Constitution. Military personnel perform among the most
64 critical, most effective, and most dangerous operations in
65 defense of our nation's freedom. Terrorist groups have
66 threatened military personnel and their families and have
67 encouraged terrorist sympathizers to harm military personnel and
68 their families within the United States. One terrorist group has
69 allegedly gathered the photographs and home addresses of
70 military personnel from public sources to create and publish a
71 list of military personnel in order to make such persons
72 vulnerable to an act of terrorism. The Legislature finds that
73 allowing continued public access to the identification and

HB 319

2024

74 location information of current and former military personnel
75 and their families jeopardizes the safety of these personnel,
76 their spouses, and their dependents. The Legislature finds that
77 protecting the safety and security of current and former
78 military personnel, and their spouses and dependents, outweighs
79 any public benefit that may be derived from the public
80 disclosure of the identification and location information.

81 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 351 Condemning the Emerging Partnership between the Chinese and Cuban Governments

SPONSOR(S): Porras

TIED BILLS: **IDEN./SIM. BILLS:** SM 318, SM 540

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Burgess	Darden
2) State Affairs Committee			

SUMMARY ANALYSIS

The United States and Cuba have had a contentious relationship dating back to Fidel Castro's overthrow of the United States-backed Cuban government and establishment of a communist state allied with the Soviet Union. China and the United States have had a complicated relationship since 1949, alternating between friction and collaboration on trade, climate change, and Taiwan.

There has been a notable increase in Chinese espionage activity against the United States in recent years. In May of 2014, five Chinese hackers, allegedly with ties to China's People's Liberation Army, were indicted on charges of stealing trade technology from United States companies. In June 2015, United States authorities signaled that there was evidence that Chinese hackers were behind the major online breach of the Office of Personnel Management and the theft of data from twenty-two million current and former federal employees. In February 2023, a spy balloon from the People's Republic of China (PRC) navigated across the United States, following previous incidents in parts of Latin American and in Taiwan.

Various news sources reported that in June 2023, China and Havana discussed setting up an electronic surveillance facility in Cuba, according to a US official and a congressional aide. National Security Council spokesman John Kirby and Cuban Deputy Foreign Minister Carlos Fernandez de Cossio denied these reports.

The memorial provides historical background of relations between the United States, Cuba, and China. The memorial urges United States Secretary of State to condemn the emerging partnership between the Chinese and Cuban Governments and the establishment of Chinese espionage and military capabilities in Cuba.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Communism

Karl Marx proposed his ideology of Communism in his *Communist Manifesto* in 1848.¹ Communism is a political ideology and form of government by which the state owns the major resources in a society, including property, production, education, agriculture, and transportation.² Communism seeks to eliminate the class system through redistribution of income³ and envisions a world without private property; all property is communally owned and each person receives a portion of the property based on what he or she needs.⁴ A strong central government controls all aspects of economic production and provides citizens with food, housing, health care, and education.⁵

Communist regimes throughout history typically promise a utopian society in which the working class will enjoy unprecedented prosperity. However, communist regimes have historically been correlated with massive poverty and repression.⁶ Documented historical injustices of communist regimes include mass murder, repression, deprivations of freedoms, loss of property, and criminalization of ordinary economic activity.⁷ Joseph Stalin and Vladimir Lenin (Soviet Union), Mao Zedong (China), and Fidel Castro (Cuba) are among the most notorious communist leaders.⁸

Communist governments currently exist in China, Cuba, North Korea, Vietnam, and Laos.⁹

Cuba

On January 1, 1959, Fidel Castro led an overthrow of the Batista regime and gained control of Cuba.¹⁰ During Castro's tenure, Cuba engaged in military and economic relations with the Soviet Union.¹¹ Following the collapse of the Soviet Union in 1991, the Cuban economy faltered as Soviet economic subsidies to Cuba ceased, and without Soviet support, Cuba fell into an economic crisis.¹² As a result, Cuba's gross national product fell by nearly one-half by 1993; exports fell by 79%, and imports fell by 75%. The standard of living of the population also declined significantly.¹³ Castro ruled Cuba until July 31, 2006, when he shifted power to his brother, Raul Castro. In February 2008, Fidel Castro officially relinquished the presidency to Raul Castro.¹⁴ Raul Castro maintained the presidency until 2018, when Miguel Diaz-Canel succeeded him.

¹ Britannica, *The Communist Manifesto*, <https://www.britannica.com/topic/The-Communist-Manifesto> (last visited Jan. 3, 2024).

² The University of North Carolina at Chapel Hill, Center for European Studies, *Communism: Karl Marx to Joseph Stalin*, <https://europe.unc.edu/iron-curtain/history/communism-karl-marx-to-joseph-stalin/> (last visited Jan. 3, 2024).

³ *Id.*

⁴ Sarah Pruitt, *How are Socialism and Communism Different?* (November 4, 2020), <https://www.history.com/news/socialism-communism-differences> (last visited Jan. 3, 2024).

⁵ *Id.*

⁶ Ilya Somin, *Lessons from a Century of Communism*, Wash. Post., Nov. 7, 2017, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Jan. 3, 2024).

⁷ *Id.*

⁸ History, *Communism Timeline* (July 9, 2019), <https://www.history.com/topics/russia/communism-timeline> (last visited Jan. 3, 2024).

⁹ Sarah Pruitt, *How are Socialism and Communism Different?* (November 4, 2020), <https://www.history.com/news/socialism-communism-differences> (last visited Jan. 3, 2024).

¹⁰ History, *Communism Timeline* (July 9, 2019), <https://www.history.com/topics/russia/communism-timeline> (last visited Jan. 3, 2024).

¹¹ *Fidel Castro Biography*, <https://www.biography.com/dictator/fidel-castro> (last visited Jan. 3, 2024).

¹² One World Nations Online, *History of Cuba*, <https://www.nationsonline.org/oneworld/History/Cuba-history.htm> (last visited Jan. 3, 2024).

¹³ *Id.*

¹⁴ Biography.com, *Fidel Castro Biography*, <https://www.biography.com/dictator/fidel-castro> (last visited Jan. 3, 2024).

The United States and Cuba

The United States and Cuba have had a contentious relationship dating to Fidel Castro's overthrow of the United States-backed Cuban government and establishment of a communist state allied with the Soviet Union.¹⁵ Following Fidel Castro's revolution, nationalization of American-owned properties, and Cuba's growing trade relationship with the Soviet Union, the United States government began imposing economic penalties and instituted a ban on nearly all United States exports to Cuba. In 1961, President John F. Kennedy expanded the sanctions and export ban into a full economic embargo, which included strict travel restrictions into Cuba.

The United States severed diplomatic ties with Cuba in 1961 and began pursuing covert operations to topple the regime, resulting in the Bay of Pigs invasion. In October 1962, the United States discovered the existence of Soviet military installations in Cuba containing nuclear weapons. President Kennedy demanded that the Soviets remove nuclear weapons from Cuba and ordered the Navy to impose a maritime quarantine of Cuba to prevent additional weapons from reaching the island.¹⁶ In 1982, President Ronald Reagan labeled Cuba a state sponsor of terrorism due to its ties to international terrorism and support of terrorist groups in Latin America.¹⁷

In more recent years, the United States has shown continued support for the embargo against and strict disapproval of Castro's Cuba. In 1992, President George H.W. Bush signed into law the Cuban Democracy Act of 1992, which stated¹⁸ that Cuba had repeatedly demonstrated consistent disregard for internationally-accepted standards of human rights and democratic values. The act noted that the Cuban government restricted the Cuban people's freedoms of speech, press, assembly, and other rights recognized by the United Nation's Universal Declaration of Human Rights.¹⁹ Showing continued support of the embargo between the United States and Cuba, President Bill Clinton signed the Cuban Liberty and Solidarity Act of 1996 into law.²⁰ On December 17, 2014, under President Barack Obama, trade restrictions and sanctions were lessened with Obama's Presidential Policy Directive on United States-Cuba Normalization.²¹ However, President Donald Trump reversed President Obama's directive and re-classified Cuba as a state sponsor of terrorism on January 12, 2021.²² Secretary of State Mike Pompeo cited Cuba's repeated provision of support for acts of international terrorism by harboring United States fugitives and Colombian rebel leaders as well as Cuba's support for Venezuelan President Nicolas Maduro.²³

China

On October 1, 1949, Chinese Communist leader Mao Zedong declared the creation of the People's Republic of China (PRC) which ended the civil war between the Chinese Communist Party (CCP) and the Nationalist Party. China's mainland ties to communism led the United States to suspend diplomatic ties with the PRC for decades. For more than twenty years after the Chinese revolution of 1949, there

¹⁵ Council on Foreign Relations, *U.S.-Cuba Relations* (July 13, 2021), <https://www.cfr.org/backgrounder/us-cuba-relations> (last visited Jan. 3, 2024).

¹⁶ *Id.*

¹⁷ Mark P. Sullivan, *CRS Report for Congress: Cuba and the State Sponsors of Terrorism List* (Updated May 13, 2005), <https://sgp.fas.org/crs/row/RL32251.pdf> (last visited Jan. 3, 2024).

¹⁸ Cuban Democracy Act of 1992, Pub. L. No. 102-484, H.R.5323, 102nd Cong. (September 24, 1992), <https://www.congress.gov/bill/102nd-congress/house-bill/5323> (last visited Jan. 3, 2024).

¹⁹ *Id.*

²⁰ Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Pub. L. No. 104-114, H.R.927, 104th Cong. (March 12, 1996), <https://www.congress.gov/bill/104th-congress/house-bill/927> (last visited Jan. 3, 2024).

²¹ Presidential Policy Directive: United States-Cuba Normalization (October 14, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization> (last visited Jan. 3, 2024).

²² U.S. Dept. of State, *State Sponsors of Terrorism*, <https://www.state.gov/state-sponsors-of-terrorism/> (last visited Jan. 3, 2024).

²³ Matt Spetalnick, *Trump Returns Cuba to U.S. List of State Sponsors of Terrorism*, Reuters, Jan. 11, 2021, <https://www.reuters.com/article/us-usa-cuba-terrorism-list/trump-returns-cuba-to-u-s-list-of-state-sponsors-of-terrorism-idUSKBN29G1Y9> (last visited Jan. 3, 2024).

were few contacts, limited trade, and no diplomatic ties between the two countries. Until the 1970s, the United States continued to recognize the Republic of China, located on Taiwan, as China's true government and supported that government's holding the Chinese seat in the United Nations.²⁴

Despite market reforms in the late 1970s, the modern Chinese state remains a communist system, like those of Cuba, North Korea, and Laos.²⁵ Since coming to power in 2012, paramount leader Xi Jinping has consolidated his control over the CCP and increasingly asserted Chinese power on the global stage. In early 2018, China's constitution was amended to abolish presidential terms limit, allowing Xi to remain in office indefinitely.²⁶

The United States and China

China and the United States have had a complicated relationship since 1949, alternating between friction and collaboration on trade, climate change, and Taiwan. The Soviet-backed North Korean People's Army invaded South Korea on June 25, 1950. The United Nations and the United States rushed to South Korea's defense. China, in support of the communist North, retaliated when United States, United Nations, and South Korean troops approached the Chinese border. In August 1954, President Dwight Eisenhower lifted the United States navy blockade of Taiwan, prompting Chiang Kai-shek to send thousands of troops to the Quemoy and Matsu islands in the Taiwan Strait. Mainland China's People's Liberation Army shelled the islands, and Washington signed a mutual defense treaty with Chiang's Nationalists. In 1955, the US threatened a nuclear attack on China. Crises erupted again in 1956 and 1996.²⁷

In spring 1989, thousands of students protested in Beijing's Tiananmen Square, demanding democratic reforms and an end to corruption. On June 3, the government sent in military troops to clear the square, killing hundreds. The United States suspended military sales to Beijing and froze relations. In October 2000, President Clinton signed the United States-China Relations Act of 2000, which granted Beijing permanent normal trade relations and allowed China to join the World Trade Organization in 2001. In 2006, China overtook Mexico as the US's second-largest trade partner, after Canada.²⁸

There has been a notable increase in Chinese espionage activity against the United States in recent years. In May 2014, a United States court indicted five Chinese hackers, allegedly with ties to China's People's Liberation Army, on charges of stealing trade technology from United States companies. In response, Beijing suspended its cooperation in the U.S-China cybersecurity working group. In June 2015, United States authorities signaled that there was evidence that Chinese hackers were behind the major online breach of the Office of Personnel Management and the theft of data from twenty-two million current and former federal employees. Ahead of the Shangri-La Dialogue conference in May 2015, United States officials stated that images from United States naval surveillance provided evidence that China was placing military equipment on a chain of artificial islands.²⁹

In January of 2020, President Trump and Chinese Vice Premier Liu He signed the Phase One Agreement, which was a breakthrough in the nearly two-year trade war between the world's two largest economies.³⁰ The trade deal required structural reforms and other changes to China's economic and trade regime in the areas of intellectual property, technology transfer, agriculture, financial services,

²⁴ U.S. Dept. of State, Office of the Historian, *The Chinese Revolution of 1949*, <https://history.state.gov/milestones/1945-1952/chinese-rev> (last visited Jan. 3, 2024).

²⁵ Council on Foreign Relations, *The Chinese Communist Party*, <https://www.cfr.org/background/chinese-communist-party> (last visited Jan. 3, 2024).

²⁶ *China anniversary: How the Communist Party runs the country*, BBC (October 5, 2022), <https://www.bbc.com/news/world-asia-china-49631120> (last visited Jan. 3, 2024). See also Tom Phillips, *Xi Jinping's power play: from president to China's new dictator?*, *The Guardian*, <https://www.theguardian.com/world/2018/mar/04/xi-jinping-from-president-to-china-new-dictator> (last visited Jan. 3, 2024).

²⁷ Council on Foreign Relations, *U.S.-China Relations 1949-2023*, <https://www.cfr.org/timeline/us-china-relations> (last visited Jan. 3, 2024).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

and currency and foreign exchange.³¹ In late January 2020, the COVID-19 virus is first reported in Wuhan, China with leading officials in both China and the United States blamed the other side for the pandemic.³²

President Biden and China's President Xi met in person for the first-time during Biden's presidency in November of 2022. Both leaders expressed a desire to ease bilateral tensions and agreed to reopen communication channels, including climate talks that were suspended months earlier.³³ Not long after the meeting, in February 2023, a PRC spy balloon navigated across the United States. Over the course of seven days, the balloon sailed from Alaska's Aleutian Islands to the coast of South Carolina, where it was intercepted and destroyed by an F-22 fighter jet. Secretary of State Antony Blinken postponed his trip to China after this incident. Chinese spy balloons have floated over American airspace on several occasions in the past six years, as well as doing so in parts of Latin America and over Taiwan.³⁴

China and Cuba

Sino-Cuban relations have improved since the end of the Cold War and they continue to develop and increase in both the economic and political fields. For Cuba, China is a strategic ally because of its world role, and its increasing economic strength. For China, Cuba is a vital link with Latin America and the Caribbean.³⁵

Various news sources reported in June 2023 that China held discussions with Havana about setting up an electronic surveillance facility in Cuba, according to a United States official and a congressional aide. It was unclear whether China and Cuba had a formal agreement in place for the base.³⁶ National Security Council spokesman John Kirby and Cuban Deputy Foreign Minister Carlos Fernandez de Cossio denied these reports.³⁷ United States Senators Jim Risch, John Barrasso, Bill Hagerty, Pete Ricketts, and Ted Cruz introduced the Countering Espionage and Surveillance Entities in Cuba (CEASE) Act in November 2023 to impose sanctions on any foreign person that has engaged in a significant transaction or provided material support to or for a Chinese military or intelligence facility in Cuba.³⁸

Effect of the Memorial

The memorial provides historical background of relations between the United States, Cuba, and China.

The memorial urges United States Secretary of State to condemn the emerging partnership between the Chinese and Cuban Governments and the establishment of Chinese espionage and military capabilities in Cuba.

The memorial calls for copies of the memorial to be dispatched by the Secretary of State to the President of the United States, the President of the United States Senate, the Speaker of the United

³¹ U.S. Dept. of Agriculture, Foreign Agricultural Service, *China Phase One Agreement*, <https://fas.usda.gov/topics/china-phase-one-agreement#:~:text=In%202020%2C%20the%20United%20States,services%2C%20and%20currency%20and%20foreign> (last visited Jan. 3, 2024).

³² Council on Foreign Relations, *U.S.-China Relations 1949-2023*, <https://www.cfr.org/timeline/us-china-relations> (last visited Jan. 3, 2024).

³³ *Id.*

³⁴ Michael Sobolik, *Preparing for the Next Spy Balloon*, American Foreign Policy Council (Feb. 15, 2023), <https://www.afpc.org/publications/articles/preparing-for-the-next-spy-balloon> (last visited Jan. 3, 2024).

³⁵ Carlos Alzugaray Treto, *Cuban-Chinese Relations after the End of the Cold War*, University Press of Florida (January 2014), <https://academic.oup.com/florida-scholarship-online/book/23445/chapter-abstract/184482600?redirectedFrom=fulltext> (last visited Jan. 3, 2024).

³⁶ Dan De Luce, Abigail Williams and Andrea Mitchell, *Is the Biden administration downplaying China's plans for an eavesdropping post in Cuba?*, NBC News (June 10, 2023), <https://www.nbcnews.com/politics/national-security/biden-administration-turning-blind-eye-chinese-provocations-rcna88347> (last visited Jan. 3, 2024).

³⁷ Natasha Bertrand, *Cuba gives China permission to build spying facility on island, US intel says*, CNN (June 9, 2023), <https://www.cnn.com/2023/06/08/politics/cuba-china-spying-facility/index.html> (last visited Jan. 3, 2024).

³⁸ CEASE Act, s. 3225, 118th Cong. (Nov. 2, 2023).

States House of Representatives, the United States Secretary of State, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This memorial does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The memorial neither authorizes nor requires executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

House Memorial

A memorial to the United States Secretary of State urging the secretary to condemn the emerging partnership between the Chinese and Cuban Governments and the establishment of Chinese espionage and military capabilities in Cuba.

WHEREAS, relations between Cuba and the United States of America have a turbulent past, from the Spanish-American War to Fidel Castro's rise to power and the Cold War and its aftermath, and

WHEREAS, relations between China and the United States have reached a crossroads, as the United States has stepped up efforts to thwart the expansion of Chinese intelligence-gathering operations, and

WHEREAS, on February 4, 2023, the United States military successfully shot down a Chinese spy balloon off the coast of South Carolina, and

WHEREAS, the United States military believes that the balloon was used to intercept electronic signals and to monitor sensitive military sites, and

WHEREAS, on June 8, 2023, *The Wall Street Journal* reported that China and Cuba have reached an agreement, in principle, to build an electronic eavesdropping station in Cuba which would result in Cuba's receipt of billions of dollars from China,

26 | although this report has been refuted by the White House, the
 27 | Cuban Government, and the Chinese Government, and

28 | WHEREAS, several days later, an unnamed administration
 29 | official confirmed that, since 2019, China has been operating a
 30 | spy base in Cuba as part of a global effort to upgrade its
 31 | intelligence-gathering capabilities, and

32 | WHEREAS, Cuba has a history of opening its doors to nations
 33 | that are adversarial to the United States in order to undermine
 34 | our country's interests, and

35 | WHEREAS, China's willingness to embrace and partner with
 36 | the Cuban Government, which has historically engaged in
 37 | espionage against the United States, should be a cause for
 38 | concern, and

39 | WHEREAS, as global tensions have increased, the Chinese
 40 | Government has sought to build up its military and enhance its
 41 | technological capability to collect and analyze signals
 42 | intelligence, and

43 | WHEREAS, Dr. Evan Ellis, a Latin American Studies research
 44 | professor at the United States Army War College, has stated that
 45 | the establishment of a spy base "accelerates the level of
 46 | tactical and operational coordination between China and Cuba
 47 | that can be used in times of war," and

48 | WHEREAS, efforts to foster a partnership between China and
 49 | Cuba should be condemned in light of Cuba's history of
 50 | antagonistic behavior toward the United States as well as the

HM 351

2024

51 Chinese Government's willingness to embrace partners that oppose
 52 democracy, NOW, THEREFORE,

53
 54 Be It Resolved by the Legislature of the State of Florida:

55
 56 That the United States Secretary of State is urged to
 57 condemn the Chinese Government for establishing a spy base in
 58 Cuba.

59 BE IT FURTHER RESOLVED that the United States Secretary of
 60 State is urged to condemn the Chinese Government for taking
 61 increasingly aggressive steps to collect sensitive information
 62 regarding the United States Government and its citizens.

63 BE IT FURTHER RESOLVED that the United States Secretary of
 64 State is urged to condemn the Chinese Government for
 65 establishing a potential base for Chinese troops a mere 90 miles
 66 from the United States, a hostile action that threatens our
 67 national security.

68 BE IT FURTHER RESOLVED that the Secretary of State dispatch
 69 copies of this memorial to the President of the United States,
 70 the President of the United States Senate, the Speaker of the
 71 United States House of Representatives, the United States
 72 Secretary of State, and each member of the Florida delegation to
 73 the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 479 Alternative Mobility Funding Systems

SPONSOR(S): Robinson, W.

TIED BILLS: **IDEN./SIM. BILLS:** SB 688

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Mwakyanjala	Darden
2) Ways & Means Committee			
3) Commerce Committee			

SUMMARY ANALYSIS

Each county and municipality is required to plan for future development and growth by adopting, implementing, and amending as necessary a comprehensive plan. All elements of a plan or plan amendment must be based on relevant, appropriate data and an analysis by the local government. Each comprehensive plan must include a transportation element addressing traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.

Certain public facilities and services must be in place and available to serve new development no later than the issuance of a certificate of occupancy or its functional equivalent by a local government. Local governments may extend this concurrency requirement to additional public facilities such as transportation. Local governments electing to repeal transportation concurrency are encouraged to adopt an alternative mobility funding system. One method of funding local government transportation concurrency requirements is through the adoption and imposition of impact fees to fund the infrastructure needed to expand local services to meet the demands of population growth caused by new growth. Local governments may increase impact fees only under limited circumstances, including upon a showing of extraordinary circumstances.

In 2013, the concept of a mobility fee-based funding system was added to the comprehensive planning statutes as an encouraged alternative to transportation concurrency.

The bill revises provisions concerning impact fees and concurrency and provides additional guidance concerning mobility fees. The bill provides definitions for "mobility fee" and "mobility plan" to be used within the Community Planning Act. The bill provides that local governments adopting and collecting impact fees by ordinance or resolution must use localized data available within the previous 12 months of adoption for the local government's calculation of impact fees.

The bill does not have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Every local government, defined as any county and municipality,¹ is required to plan for future development and growth by adopting, implementing, and amending as necessary a comprehensive plan.² All elements of a plan or plan amendment must be based on relevant, appropriate data³ and an analysis by the local government that may include surveys, studies, aspirational goals, and other data available at the time of adopting the plan or amendment.⁴ The data supporting a plan or amendment must be taken from professionally accepted sources⁵ and must be based on permanent and seasonal population estimates and projections.⁶

Each comprehensive plan must include a transportation element, the purpose of which is to plan for a multimodal transportation system emphasizing feasible public transportation, addressing mobility issues pertinent to the size and character of the local government, and designed to support all other elements of the comprehensive plan.⁷ The transportation element must address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.⁸ The plan of a local government with a population exceeding 50,000 that is not within the planning area of a metropolitan planning organization (MPO)⁹ also must address mass transit, ports, and aviation¹⁰ and related facilities.¹¹ The transportation planning element for a local government with a population exceeding 50,000 located within the area of a MPO specifically must address the following:

- All alternative modes of travel, including public transportation, pedestrian, and bicycle;
- Aviation, rail, and seaport facilities, access to those facilities, and intermodal transportation;
- Capability to evacuate coastal population prior to a natural disaster; and
- Identification of land use densities, building intensities, and transportation management programs to promote public transportation.¹²

The transportation planning element for a municipality with a population exceeding 50,000, or a county with a population exceeding 75,000, must provide for moving people by mass transit, including:

- Providing efficient, safe, and convenient public transit, including accommodation for the transportation disadvantaged;
- Plans for port, aviation, and related facilities; and

¹ S. 163.3164(29), F.S. For the purpose of the act, the Central Florida Tourism Oversight District may exercise the powers of a municipality for the area under its jurisdiction. S. 163.3167(6), F.S. *See also* ch. 2023-5, Laws of Fla. (renaming the Reedy Creek Improvement District to the Central Florida Tourism Oversight District).

² Ss. 163.3167(2), 163.3177(2), F.S.

³ "To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue." S. 163.3177(1)(f), F.S.

⁴ S. 163.3177(1)(f), F.S.

⁵ S. 163.3177(1)(f)2., F.S. The statute does not further define "professionally accepted sources."

⁶ S. 163.3177(1)(f)3., F.S. Population estimates may be those published by the Office of Economic and Demographic Research or may be generated by the local government based upon a professionally acceptable methodology. *Id.*

⁷ S. 163.3177(6)(b), F.S.

⁸ S. 163.3177(6)(b)1., F.S.

⁹ S. An MPO must be designated as provided in 23 U.S.C. s. 450.310(a) for each urbanized area with a population of more than 50,000. S. 339.175(2), F.S. Florida MPOs are intended specifically to develop plans and programs in metropolitan areas for the development and management of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities to function as an intermodal transportation system. S. 339.175(1), F.S.

¹⁰ All local governments have the option to include within the transportation element an airport master plan, incorporated into the plan through the comprehensive plan amendment process. S. 163.3177(6)(b)4., F.S.

¹¹ S. 163.3177(6)(b), F.S.

¹² S. 163.3177(6)(b)2., F.S.

- Plans for circulation of recreational traffic, including bicycle and riding facilities and exercise trails.¹³

In addition to the general requirements for data supporting a comprehensive plan or amendment, the transportation planning element must include one or more maps showing the general location of existing and proposed transportation system features and data, analyses, and associated principles pertaining to:

- Existing transportation system levels of service and system needs and availability of transportation facilities and services;
- Growth trends and travel patterns, as well as interactions between land use and transportation;
- Current and projected intermodal¹⁴ deficiencies and needs;
- Projected transportation system levels of service and system needs; and
- How the local government will correct existing facility deficiencies, meet the needs of the projected transportation system, and advance the transportation purposes of the plan.¹⁵

Generally, local government transportation and mobility planning should address providing mobility options, such as automobile, bicycle, pedestrian, or mass transit, that minimize environmental impacts, expand transportation options, and increase connectivity between destinations.¹⁶

Transportation Concurrency

Certain public facilities and services must be in place and available to serve new development no later than the issuance of a certificate of occupancy or its functional equivalent by a local government.¹⁷ Local governments may extend this concurrency requirement to additional public facilities such as transportation.¹⁸ Where concurrency is applied to transportation, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application.¹⁹ The plan must show that the included levels of service may reasonably be met.²⁰ Local governments utilizing transportation concurrency must use professionally accepted studies to evaluate levels of service and techniques to measure such levels of service when evaluating potential impacts of proposed developments.²¹ While local governments implementing a transportation concurrency system are encouraged to develop and use certain tools and guidelines, such as addressing potential negative impacts on urban infill and redevelopment²² and adopting long-term multimodal strategies,²³ such local governments must follow specific concurrency requirements including consulting with the Florida Department of Transportation if proposed amendments to the plan affect the Strategic Intermodal System, exempting public transit facilities from concurrency

¹³ S. 163.3177(6)(b)3., F.S.

¹⁴ "Intermodal transportation" is not defined in the statute but generally means the transportation by or involving more than one form of carrier in a single journey, particularly for moving cargo. See "intermodal," available at <https://www.merriam-webster.com/dictionary/intermodal> (last visited Dec. 8, 2023); "intermodal transport," available at <https://www.ups.com/us/en/supplychain/insights/knowledge/glossary-term/intermodal-transport.page> (last visited Dec. 8, 2023). Part of the intent in creating the Florida Strategic Intermodal System is to address the increased demands placed on the entire statewide transportation system by economic and population growth and projected increases in freight movement, international trade, and tourism designing and operating a strategic intermodal system to meet the mobility needs of the state. See s. 339.61(2), F.S.

¹⁵ S. 163.3177(6)(b)1., F.S.

¹⁶ Dept. of Commerce, "Transportation Planning," available at <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/transportation-planning> (last visited Dec. 8, 2023), herein Commerce Transportation Planning.

¹⁷ S. 163.1380(2), F.S. The only such services for which concurrency is mandatory are sanitary sewer, solid waste, drainage, and potable water supplies.

¹⁸ S. 163.3180(1), F.S.

¹⁹ Ss. 163.3180(1)(a), 163.3180(5)(a), F.S. See Commerce Transportation Planning, *supra* n. 16.

²⁰ S. 163.3180(1)(b), F.S.

²¹ S. 163.3180(5)(b)-(c), F.S.

²² S. 163.3180(5)(e), F.S.

²³ S. 163.3180(f), F.S.

requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.²⁴

An applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit satisfies the requirements for transportation concurrency if the applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of transportation improvements required to mitigate the impact of the proposed development and the proffered proportionate share contribution or construction is sufficient to accomplish one or more mobility improvements benefitting a regionally significant transportation facility.²⁵ The plan for transportation concurrency must provide the basis on which landowners will be assessed a proportionate share,²⁶ which must include a compliant formula for calculating the proportionate share.²⁷ The proportionate share may not include additional costs to reduce or eliminate existing transportation deficiencies.²⁸

Local governments electing to repeal transportation concurrency are encouraged to adopt an alternative mobility funding system. Such an alternative system may not be used to restrict or deny certain development approval applications provided the developer agrees to pay for the development's transportation impacts using the funding mechanism implemented by the local government. Local government mobility fee systems must comply with all requirements for adopting and implementing impact fees. An alternative funding system that is not mobility fee based may not impose on new development any responsibility for funding existing transportation deficiencies.²⁹

Impact Fees

One method of funding local government transportation concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure³⁰ needed to expand local services to meet the demands of population growth caused by new growth.³¹ Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated using the most recent and localized data.³²
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.³³
- Charges imposed for the collection of impact fees must be limited to the actual costs.³⁴
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications

²⁴ S. 163.3180(5)(h), F.S. See Commerce Transportation Planning, *supra* n. 16.

²⁵ S. 163.3180(5)(h)1.c., F.S.

²⁶ S. 163.3180(5)(h)1.d., F.S.

²⁷ S. 163.3180(5)(h)2.a.-d., F.S.

²⁸ S. 163.3180(5)(h)2., F.S. For purposes of s. 163.3180(5), F.S., "transportation deficiency" means a facility or facilities on which the level of service standard adopted in the comprehensive plan is exceeded by the number of existing, projected, or vested trips together with additional trips originating from any source other than the development project under review, and trips forecast by established traffic standards. S. 163.3180(5)(h)4., F.S. Local governments may resolve existing transportation deficiencies within an identified transportation deficiency area by creating a transportation development authority with specific powers to implement a transportation sufficiency plan funded through a formula of tax increment funding. Adopting a transportation sufficiency plan is deemed as meeting transportation level of service standards, and proportionate fair-share mitigation is limited to ensure developments within the transportation deficiency area are not responsible for additional costs to eliminate deficiencies. S. 163.3182, F.S.

²⁹ S. 163.3180(5)(i), F.S.

³⁰ "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.

³¹ S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.

³² S. 163.31801(4)(a), F.S.

³³ S. 163.31801(4)(b), F.S.

³⁴ S. 163.31801(4)(c), F.S.

submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.³⁵

- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.³⁶
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.³⁷
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.³⁸
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.³⁹
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.⁴⁰

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.⁴¹ In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.⁴² A development permit pertains to 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.⁴³ Local governments providing an exception or waiver of impact fees for the development or construction of affordable housing are not required to use any revenues to offset the impact of such development.⁴⁴

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.⁴⁵ Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.⁴⁶

Local governments may increase impact fees only under limited circumstances. A fee may be increased no more than once every four years, may not be increased retroactively, the increase may not exceed 50 percent of the current impact fee amount, and any increase must be consistent with a statutorily-compliant plan for the imposition, collection, and use of the fees. An increase not exceeding 25 percent of the current fee amount must be implemented in two equal annual increments, while an increase greater than 25 percent but not exceeding 50 percent of the current amount must be

³⁵ S. 163.31801(4)(d), F.S.

³⁶ S. 163.31801(4)(e), F.S.

³⁷ S. 163.31801(4)(f), F.S.

³⁸ S. 163.31801(4)(g), F.S.

³⁹ S. 163.31801(4)(h), F.S.

⁴⁰ S. 163.31801(4)(i), F.S.

⁴¹ See s. 163.31801(2), F.S.

⁴² S. 553.79, F.S.

⁴³ S. 163.3164(16), F.S.

⁴⁴ S. 163.31801(11), F.S.

⁴⁵ S. 163.31801(5), F.S.

⁴⁶ S. 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.

implemented in four equal annual installments. However, a local government may increase a fee more than once in four years or for more than 50 percent of a current impact fee amount if it has:

- Prepared a demonstrated-need study within 12 months before adopting the increase showing extraordinary circumstances necessitating the need for the increase;
- Conducted at least two publicly noticed workshops on the extraordinary circumstances justifying the increase; and
- Approved the increase by at least a two-thirds vote of the governing body.⁴⁷

A local government that increases an impact fee must still provide the holder of any impact fee credit the full benefit of the density and intensity prepaid by the credit balance.⁴⁸

With each annual financial report or audit filed⁴⁹ a local government must report specific information on impact fees imposed, including the specific purpose of the fee, the impact fee schedule describing the method of calculating the fee, the amount assessed for each purpose and for each type of dwelling, the total amount of fees charged by type of dwelling, and each exception or waiver to the imposition of impact fees provided for construction of affordable housing.⁵⁰ Additionally, the chief financial officer or executive officer (if there is no chief financial officer) must submit with the annual financial report an affidavit attesting that all impact fees were collected and expended by the local government, or on its behalf, in full compliance with the spending period provisions in the local ordinance and that funds expended from each impact fee account were used to acquire, construct, or improve those specific infrastructure needs.⁵¹

Mobility Plans and Fees

In the Community Renewal Act⁵² of 2009 (Act), the Legislature found that the concept and application of transportation concurrency was “complex, inequitable, lack(ed) uniformity among jurisdictions, (was) too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevent(ed) the attainment of important growth management goals.”⁵³ The Act required completion and submission of a mobility fee methodology study⁵⁴ and stated the Legislature’s intent that a mobility fee “should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.”⁵⁵ In 2013, the concept of a mobility fee-based funding system was added to the comprehensive planning statutes as an encouraged alternative to transportation concurrency.⁵⁶

Alternative mobility funding systems using a mobility fee are encouraged to incorporate one or more of the statutory tools and techniques, including:

- Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity and density;
- Adoption of an area wide level of service not dependent on any single road segment function;
- Exempting or discounting impacts of locally desired development;
- Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit;

⁴⁷ S. 163.31801(6), F.S.

⁴⁸ S. 163.31801(7), F.S.

⁴⁹ See ss. 218.32, 218.39, F.S.

⁵⁰ S. 163.31801(13), F.S.

⁵¹ S. 163.31801(8), F.S.

⁵² Ch. 2009-96, s. 1, Laws of Fla.

⁵³ Ch. 2009-96, s. 13(1)(a), Laws of Fla.

⁵⁴ Center for Urban Transportation Research, *Evaluation of the Mobility Fee Concept Final Report*, University of South Florida (Nov. 2009), available at <https://cutr.usf.edu/wp-content/uploads/2012/08/Evaluation-of-the-Mobility-Fee-Concept-CUTR-Webcast-04.21.11.pdf> last visited Dec. 8, 2023).

⁵⁵ Ch. 2009-96, s. 13(1)(b), Laws of Fla.

⁵⁶ Ch. 2013-78, s. 1, Laws of Fla.

- Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility; and
- Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.⁵⁷

Some local governments have adopted mobility plans and mobility fees.⁵⁸

Effect of Proposed Changes

The bill revises provisions concerning impact fees and concurrency while providing additional guidance concerning mobility fees. The bill provides definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act.⁵⁹

The bill requires agreements between local governments that implement a transportation concurrency system and applicants for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit concerning the applicants offer to pay for or construct its proportionate share of required improvements to that after an applicant makes its contribution or constructs its proportionate share, the project shall be considered to have mitigated its transportation impacts and must be allowed to proceed. The bill provides that local governments may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share contribution.

The bill prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit, requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits, and prohibits local governments from assessing multiple charges for the same transportation impact.

Impact Fees

The bill provides that local governments adopting and collecting impact fees must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees. The bill provides that a local government must credit against the collection of the impact fee any contribution identified in the development order or any form of exaction, including monetary contributions.

The bill provides that holders of transportation or road impact fee credits granted under s. 163.3180 or s. 380.06, F.S., along with other provisions, which existed before the adoption of the mobility fee-based funding system, is entitled to the full benefit of the intensity and density prepaid by the credit balance as of the date it was first establish.

B. SECTION DIRECTORY:

Section 1: Amends s. 163.3164, F.S., relating to Community Planning Act definitions.

Section 2: Amends s. 163.3180, F.S., relating to concurrency.

Section 3: Amends s. 163.31801. F.S., relating to impact fees.

⁵⁷ S. 163.3180(5)(f), F.S.

⁵⁸ See Hillsborough County Code of County Ordinances, ch. 40, art. III, div. 2, *Mobility Fees*; Pasco County Code of Ordinances, Land Development Code, ch. 1300, s. 1302.2; City of Port St. Lucie Code of Ordinances, Title XV, ch. 159, s. 159.101, *Port St. Lucie Mobility Fee Ordinance*.

⁵⁹ The Community Planning Act is part II of ch. 163, F.S.

Section 4: Amends s. 212.055, F.S., relating to discretionary sales surtaxes.

Section 5: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to alternative mobility funding
3 systems; amending s. 163.3164, F.S.; providing
4 definitions; amending s. 163.3180, F.S.; revising
5 requirements relating to agreements to pay for or
6 construct certain improvements; authorizing certain
7 local governments to adopt an alternative mobility
8 planning and fee system or an alternative system in
9 certain circumstances; providing requirements for the
10 application of an adopted alternative system;
11 prohibiting an alternative system from imposing
12 responsibility for funding an existing transportation
13 deficiency upon new development; prohibiting local
14 governments that do not issue building permits from
15 charging for transportation impacts; requiring local
16 governments that issue building permits to collect for
17 extrajurisdictional impacts; prohibiting local
18 governments from assessing multiple charges for the
19 same transportation impact; amending s. 163.31801,
20 F.S.; revising requirements for the calculation of
21 impact fees by certain local governments and special
22 districts; requiring local governments transitioning
23 to alternative funding systems to provide holders of
24 impact fee credits with full benefit of intensity and
25 density of prepaid credit balances as of a specified

26 | date; amending s. 212.055, F.S.; conforming a cross-
 27 | reference; providing an effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Subsections (32) through (52) of section
 32 | 163.3164, Florida Statutes, are renumbered as subsections (34)
 33 | through (54), respectively, and new subsections (32) and (33)
 34 | are added to that section, to read:

35 | 163.3164 Community Planning Act; definitions.—As used in
 36 | this act:

37 | (32) "Mobility fee" means a local government fee schedule
 38 | established by ordinance and based on the projects included in
 39 | the local government's adopted mobility plan.

40 | (33) "Mobility plan" means an integrated land use and
 41 | alternative mobility transportation plan adopted into a local
 42 | government comprehensive plan that promotes a compact, mixed-
 43 | use, and interconnected development served by a multimodal
 44 | transportation system in an area that is urban in character as
 45 | defined in s. 171.031.

46 | Section 2. Paragraphs (h) and (i) of subsection (5) of
 47 | section 163.3180, Florida Statutes, are amended, and paragraph
 48 | (j) is added to that subsection, to read:

49 | 163.3180 Concurrency.—

50 | (5)

51 (h)1. Local governments that continue to implement a
52 transportation concurrency system, whether in the form adopted
53 into the comprehensive plan before the effective date of the
54 Community Planning Act, chapter 2011-139, Laws of Florida, or as
55 subsequently modified, must:

56 a. Consult with the Department of Transportation when
57 proposed plan amendments affect facilities on the strategic
58 intermodal system.

59 b. Exempt public transit facilities from concurrency. For
60 the purposes of this sub-subparagraph, public transit facilities
61 include transit stations and terminals; transit station parking;
62 park-and-ride lots; intermodal public transit connection or
63 transfer facilities; fixed bus, guideway, and rail stations; and
64 airport passenger terminals and concourses, air cargo
65 facilities, and hangars for the assembly, manufacture,
66 maintenance, or storage of aircraft. As used in this sub-
67 subparagraph, the terms "terminals" and "transit facilities" do
68 not include seaports or commercial or residential development
69 constructed in conjunction with a public transit facility.

70 c. Allow an applicant for a development-of-regional-impact
71 development order, development agreement, rezoning, or other
72 land use development permit to satisfy the transportation
73 concurrency requirements of the local comprehensive plan, the
74 local government's concurrency management system, and s. 380.06,
75 when applicable, if:

76 (I) The applicant in good faith offers to enter into a
77 binding agreement to pay for or construct its proportionate
78 share of required improvements in a manner consistent with this
79 subsection. The agreement must provide that after an applicant
80 makes its contribution or constructs its proportionate share
81 pursuant to this sub-sub-subparagraph, the project shall be
82 considered to have mitigated its transportation impacts and be
83 allowed to proceed.

84 (II) The proportionate-share contribution or construction
85 is sufficient to accomplish one or more mobility improvements
86 that will benefit a regionally significant transportation
87 facility. A local government may accept contributions from
88 multiple applicants for a planned improvement if it maintains
89 contributions in a separate account designated for that purpose.
90 A local government may not prevent a single applicant from
91 proceeding after the applicant has satisfied its proportionate-
92 share contribution.

93 d. Provide the basis upon which the landowners will be
94 assessed a proportionate share of the cost addressing the
95 transportation impacts resulting from a proposed development.

96 2. An applicant shall not be held responsible for the
97 additional cost of reducing or eliminating deficiencies. When an
98 applicant contributes or constructs its proportionate share
99 pursuant to this paragraph, a local government may not require
100 payment or construction of transportation facilities whose costs

101 would be greater than a development's proportionate share of the
102 improvements necessary to mitigate the development's impacts.

103 a. The proportionate-share contribution shall be
104 calculated based upon the number of trips from the proposed
105 development expected to reach roadways during the peak hour from
106 the stage or phase being approved, divided by the change in the
107 peak hour maximum service volume of roadways resulting from
108 construction of an improvement necessary to maintain or achieve
109 the adopted level of service, multiplied by the construction
110 cost, at the time of development payment, of the improvement
111 necessary to maintain or achieve the adopted level of service.

112 b. In using the proportionate-share formula provided in
113 this subparagraph, the applicant, in its traffic analysis, shall
114 identify those roads or facilities that have a transportation
115 deficiency in accordance with the transportation deficiency as
116 defined in subparagraph 4. The proportionate-share formula
117 provided in this subparagraph shall be applied only to those
118 facilities that are determined to be significantly impacted by
119 the project traffic under review. If any road is determined to
120 be transportation deficient without the project traffic under
121 review, the costs of correcting that deficiency shall be removed
122 from the project's proportionate-share calculation and the
123 necessary transportation improvements to correct that deficiency
124 shall be considered to be in place for purposes of the
125 proportionate-share calculation. The improvement necessary to

126 correct the transportation deficiency is the funding
127 responsibility of the entity that has maintenance responsibility
128 for the facility. The development's proportionate share shall be
129 calculated only for the needed transportation improvements that
130 are greater than the identified deficiency.

131 c. When the provisions of subparagraph 1. and this
132 subparagraph have been satisfied for a particular stage or phase
133 of development, all transportation impacts from that stage or
134 phase for which mitigation was required and provided shall be
135 deemed fully mitigated in any transportation analysis for a
136 subsequent stage or phase of development. Trips from a previous
137 stage or phase that did not result in impacts for which
138 mitigation was required or provided may be cumulatively analyzed
139 with trips from a subsequent stage or phase to determine whether
140 an impact requires mitigation for the subsequent stage or phase.

141 d. In projecting the number of trips to be generated by
142 the development under review, any trips assigned to a toll-
143 financed facility shall be eliminated from the analysis.

144 e. The applicant shall receive a credit on a dollar-for-
145 dollar basis for impact fees, mobility fees, and other
146 transportation concurrency mitigation requirements paid or
147 payable in the future for the project. The credit shall be
148 reduced up to 20 percent by the percentage share that the
149 project's traffic represents of the added capacity of the
150 selected improvement, or by the amount specified by local

151 ordinance, whichever yields the greater credit.

152 3. This subsection does not require a local government to
 153 approve a development that, for reasons other than
 154 transportation impacts, is not qualified for approval pursuant
 155 to the applicable local comprehensive plan and land development
 156 regulations.

157 4. As used in this subsection, the term "transportation
 158 deficiency" means a facility or facilities on which the adopted
 159 level-of-service standard is exceeded by the existing,
 160 committed, and vested trips, plus additional projected
 161 background trips from any source other than the development
 162 project under review, and trips that are forecast by established
 163 traffic standards, including traffic modeling, consistent with
 164 the University of Florida's Bureau of Economic and Business
 165 Research medium population projections. Additional projected
 166 background trips are to be coincident with the particular stage
 167 or phase of development under review.

168 (i) If a local government elects to repeal transportation
 169 concurrency, the local government may ~~it is encouraged to~~ adopt
 170 an alternative mobility planning and fee ~~funding~~ system or an
 171 alternative system that is not mobility plan and fee based. ~~The~~
 172 local government ~~that uses one or more of the tools and~~
 173 ~~techniques identified in paragraph (f).~~ ~~Any alternative mobility~~
 174 ~~funding system adopted~~ may not use an alternative system ~~be used~~
 175 to deny, time, or phase an application for site plan approval,

HB479

2024

176 plat approval, final subdivision approval, building permits, or
177 the functional equivalent of such approvals provided that the
178 developer agrees to pay for the development's identified
179 transportation impacts via the funding mechanism implemented by
180 the local government. The revenue from the funding mechanism
181 used in the alternative system must be used to implement the
182 needs of the local government's plan which serves as the basis
183 for the fee imposed. An alternative ~~A mobility fee-based funding~~
184 system must comply with s. 163.31801 governing impact fees. An
185 alternative system may not impose ~~that is not mobility fee-based~~
186 ~~shall not be applied in a manner that imposes~~ upon new
187 development any responsibility for funding an existing
188 transportation deficiency as defined in paragraph (h).

189 (j) Only the local government issuing the building permit
190 may charge for transportation impacts within its jurisdiction.
191 Such local government must collect and account for any
192 extrajurisdictional impacts pursuant to s. 163.3177(6)(h),
193 regardless of whether it implements a transportation concurrency
194 system or an alternative system. A local government may not
195 charge new development or redevelopment for the same
196 transportation impacts.

197 Section 3. Paragraph (a) of subsection (4), paragraph (a)
198 of subsection (5), and subsection (7) of section 163.31801,
199 Florida Statutes, are amended to read:

200 163.31801 Impact fees; short title; intent; minimum

201 requirements; audits; challenges.—

202 (4) At a minimum, each local government that adopts and
 203 collects an impact fee by ordinance and each special district
 204 that adopts, collects, and administers an impact fee by
 205 resolution must:

206 (a) Ensure that the calculation of the impact fee is based
 207 on the most recent and localized data available within the
 208 previous 12 months before adoption.

209 (5)(a) Notwithstanding any charter provision,
 210 comprehensive plan policy, ordinance, development order,
 211 development permit, or resolution, the local government or
 212 special district that requires any improvement or contribution
 213 must credit against the collection of the impact fee any
 214 contribution, whether identified in a development order,
 215 proportionate share agreement, or any other form of exaction,
 216 related to public facilities or infrastructure, including
 217 monetary contributions, land dedication, site planning and
 218 design, or construction. Any contribution must be applied on a
 219 dollar-for-dollar basis at fair market value to reduce any
 220 impact fee collected for the general category or class of public
 221 facilities or infrastructure for which the contribution was
 222 made.

223 (7) If an impact fee is increased, the holder of any
 224 impact fee credits, whether such credits are granted under s.
 225 163.3180, s. 380.06, or otherwise, which were in existence

226 before the increase, is entitled to the full benefit of the
227 intensity or density prepaid by the credit balance as of the
228 date it was first established. If a local government adopts an
229 alternative funding system pursuant to s. 163.3180(5)(i), the
230 holder of any transportation or road impact fee credits granted
231 under s. 163.3180 or s. 380.06 or otherwise that were in
232 existence before the adoption of the alternative funding system
233 is entitled to the full benefit of the intensity and density
234 prepaid by the credit balance as of the date the alternative
235 funding system was first established.

236 Section 4. Paragraph (d) of subsection (2) of section
237 212.055, Florida Statutes, is amended to read:

238 212.055 Discretionary sales surtaxes; legislative intent;
239 authorization and use of proceeds.—It is the legislative intent
240 that any authorization for imposition of a discretionary sales
241 surtax shall be published in the Florida Statutes as a
242 subsection of this section, irrespective of the duration of the
243 levy. Each enactment shall specify the types of counties
244 authorized to levy; the rate or rates which may be imposed; the
245 maximum length of time the surtax may be imposed, if any; the
246 procedure which must be followed to secure voter approval, if
247 required; the purpose for which the proceeds may be expended;
248 and such other requirements as the Legislature may provide.
249 Taxable transactions and administrative procedures shall be as
250 provided in s. 212.054.

251 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—
 252 (d) The proceeds of the surtax authorized by this
 253 subsection and any accrued interest shall be expended by the
 254 school district, within the county and municipalities within the
 255 county, or, in the case of a negotiated joint county agreement,
 256 within another county, to finance, plan, and construct
 257 infrastructure; to acquire any interest in land for public
 258 recreation, conservation, or protection of natural resources or
 259 to prevent or satisfy private property rights claims resulting
 260 from limitations imposed by the designation of an area of
 261 critical state concern; to provide loans, grants, or rebates to
 262 residential or commercial property owners who make energy
 263 efficiency improvements to their residential or commercial
 264 property, if a local government ordinance authorizing such use
 265 is approved by referendum; or to finance the closure of county-
 266 owned or municipally owned solid waste landfills that have been
 267 closed or are required to be closed by order of the Department
 268 of Environmental Protection. Any use of the proceeds or interest
 269 for purposes of landfill closure before July 1, 1993, is
 270 ratified. The proceeds and any interest may not be used for the
 271 operational expenses of infrastructure, except that a county
 272 that has a population of fewer than 75,000 and that is required
 273 to close a landfill may use the proceeds or interest for long-
 274 term maintenance costs associated with landfill closure.
 275 Counties, as defined in s. 125.011, and charter counties may, in

276 addition, use the proceeds or interest to retire or service
277 indebtedness incurred for bonds issued before July 1, 1987, for
278 infrastructure purposes, and for bonds subsequently issued to
279 refund such bonds. Any use of the proceeds or interest for
280 purposes of retiring or servicing indebtedness incurred for
281 refunding bonds before July 1, 1999, is ratified.

282 1. For the purposes of this paragraph, the term
283 "infrastructure" means:

284 a. Any fixed capital expenditure or fixed capital outlay
285 associated with the construction, reconstruction, or improvement
286 of public facilities that have a life expectancy of 5 or more
287 years, any related land acquisition, land improvement, design,
288 and engineering costs, and all other professional and related
289 costs required to bring the public facilities into service. For
290 purposes of this sub-subparagraph, the term "public facilities"
291 means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~,
292 s. 163.3221(13), or s. 189.012(5), and includes facilities that
293 are necessary to carry out governmental purposes, including, but
294 not limited to, fire stations, general governmental office
295 buildings, and animal shelters, regardless of whether the
296 facilities are owned by the local taxing authority or another
297 governmental entity.

298 b. A fire department vehicle, an emergency medical service
299 vehicle, a sheriff's office vehicle, a police department
300 vehicle, or any other vehicle, and the equipment necessary to

301 outfit the vehicle for its official use or equipment that has a
302 life expectancy of at least 5 years.

303 c. Any expenditure for the construction, lease, or
304 maintenance of, or provision of utilities or security for,
305 facilities, as defined in s. 29.008.

306 d. Any fixed capital expenditure or fixed capital outlay
307 associated with the improvement of private facilities that have
308 a life expectancy of 5 or more years and that the owner agrees
309 to make available for use on a temporary basis as needed by a
310 local government as a public emergency shelter or a staging area
311 for emergency response equipment during an emergency officially
312 declared by the state or by the local government under s.
313 252.38. Such improvements are limited to those necessary to
314 comply with current standards for public emergency evacuation
315 shelters. The owner must enter into a written contract with the
316 local government providing the improvement funding to make the
317 private facility available to the public for purposes of
318 emergency shelter at no cost to the local government for a
319 minimum of 10 years after completion of the improvement, with
320 the provision that the obligation will transfer to any
321 subsequent owner until the end of the minimum period.

322 e. Any land acquisition expenditure for a residential
323 housing project in which at least 30 percent of the units are
324 affordable to individuals or families whose total annual
325 household income does not exceed 120 percent of the area median

326 income adjusted for household size, if the land is owned by a
327 local government or by a special district that enters into a
328 written agreement with the local government to provide such
329 housing. The local government or special district may enter into
330 a ground lease with a public or private person or entity for
331 nominal or other consideration for the construction of the
332 residential housing project on land acquired pursuant to this
333 sub-subparagraph.

334 f. Instructional technology used solely in a school
335 district's classrooms. As used in this sub-subparagraph, the
336 term "instructional technology" means an interactive device that
337 assists a teacher in instructing a class or a group of students
338 and includes the necessary hardware and software to operate the
339 interactive device. The term also includes support systems in
340 which an interactive device may mount and is not required to be
341 affixed to the facilities.

342 2. For the purposes of this paragraph, the term "energy
343 efficiency improvement" means any energy conservation and
344 efficiency improvement that reduces consumption through
345 conservation or a more efficient use of electricity, natural
346 gas, propane, or other forms of energy on the property,
347 including, but not limited to, air sealing; installation of
348 insulation; installation of energy-efficient heating, cooling,
349 or ventilation systems; installation of solar panels; building
350 modifications to increase the use of daylight or shade;

HB 479

2024

351 replacement of windows; installation of energy controls or
352 energy recovery systems; installation of electric vehicle
353 charging equipment; installation of systems for natural gas fuel
354 as defined in s. 206.9951; and installation of efficient
355 lighting equipment.

356 3. Notwithstanding any other provision of this subsection,
357 a local government infrastructure surtax imposed or extended
358 after July 1, 1998, may allocate up to 15 percent of the surtax
359 proceeds for deposit into a trust fund within the county's
360 accounts created for the purpose of funding economic development
361 projects having a general public purpose of improving local
362 economies, including the funding of operational costs and
363 incentives related to economic development. The ballot statement
364 must indicate the intention to make an allocation under the
365 authority of this subparagraph.

366 Section 5. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 669 Enforcement of Federal Immigrations Laws

SPONSOR(S): Sirois

TIED BILLS: **IDEN./SIM. BILLS:** SM 598

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Roy	Darden
2) Criminal Justice Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The United States Customs and Border Protection (CBP) is the nation's largest federal law enforcement agency charged with securing the nation's borders and facilitating international travel and trade. The CBP releases monthly operational statistics and reports detailing updates to their operations, number of alien encounters, and organizational goals.

The memorial provides background on the state of the southern border of the United States; detailing reported increases in alien encounters and factors overwhelming CBP resources. The memorial states these increases result in higher instances of criminal activity and the threat of infectious diseases. The memorial expresses that illegal crossings along the southern border are likely to continue to increase and order at the southern border has deteriorated to such an extent that several counties in Texas have declared states of emergency.

The memorial urges the Federal Government to secure the southern border of the United States and fix the legal immigration system. It directs the Secretary of State to dispatch copies of the memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Homeland Security, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Customs and Border Protection

The United States Customs and Border Protection (CBP) is the nation's largest federal law enforcement agency charged with securing the nation's borders and facilitating international travel and trade.¹ CBP officers are given broad law enforcement authorities for the purpose of screening all foreign visitors, returning American citizens and imported cargo that enters the U.S.² The CBP has more than 60,000 employees with the mission statement to "protect the American people, safeguard our borders, and enhance the nation's economic prosperity."³

The CBP releases monthly operational statistics and reports detailing updates to their operations, number of alien encounters, and goals.⁴ CBP reported 231,529 alien encounters along the southwest border of the U.S. in October of 2022 and 183,479 encounters in July 2023.⁵ In 2018, the reported number of alien encounters by CBP for July was 40,149.⁶ CBP has reported a total of 7,230,938 alien encounters along the southwest border of the U.S. since January 2020.⁷

CBP One Mobile Application

On October 28, 2020, the U.S. CBP launched a free application (CBP One App) that serves as a single portal to multiple CBP services.⁸ The app directs each type of user to the appropriate services based on guided questions and their needs.⁹

Some services available through the CBP One App are:¹⁰

- Advance submission of documents and appointment scheduling;
- Advance travel authorization to Cuba, Haiti, Nicaragua, and Venezuela;
- Updated border wait times;
- Checking the trusted traveler program status;
- I-94 entry for travelers;¹¹
- Requesting inspection of agriculture or biological products for travelers; and
- Submitting a traveler manifest for bus operators.

¹ U.S. Customs and Border Protection, *CBP Enforcement Statistics*, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last visited January 8, 2024).

² *Id.*

³ U.S. Customs and Border Protection, *About CBP*, <https://www.cbp.gov/about> (last visited January 8, 2024).

⁴ See U.S. Customs and Border Protection, *CBP releases October 2023 monthly update*, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-october-2023-monthly-update> (last visited January 8, 2024).

⁵ U.S. Customs and Border Protection, *Southwest Land Border Encounters*, available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited January 8, 2024).

⁶ U.S. Customs and Border Protection, *Southwest Border Migration FY2018*, <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2018> (last visited January 8, 2024).

⁷ U.S. Customs and Border Protection, *Southwest Land Border Encounters*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited January 8, 2024).

⁸ U.S. Customs and Border Protection, *CBP One Mobile Application*, <https://www.cbp.gov/about/mobile-apps-directory/cbpone> (Last visited January 8, 2024).

⁹ *Id.*

¹⁰ *Id.*

¹¹ The I-94 Entry feature allows travelers to apply for a provisional I-94 prior to arriving at a land border crossing. Travelers who apply for their I-94 ahead of time will experience faster processing times to expedite entry. Travelers can also quickly access their current I-94 submission to view critical information such as, how long they can remain in the U.S., and use it for proof of visitor status once in the United States.

Title 42: Covid-19 Public Health Emergency

In response to the Covid-19 pandemic, the executive branch invoked statutory powers to impose restrictions on the entry into the United States of certain individuals.¹² These powers, contained in 42 U.S.C. 265 (commonly referred to as Title 42),¹³ allowed the Center for Disease Control and Prevention (CDC) to direct immigration officials to expel certain aliens who either do not have visas, other proper travel documents, or who seek to enter the U.S. unlawfully between ports of entry.¹⁴

The federal government passed the Pandemic is Over Act on January 31, 2023, which terminates some Covid-related declarations and policies.¹⁵ Some bills proposed by U.S. Congress seek to extend or reinstate Title 42 migrant restrictions¹⁶ while other proposed bills seek to remove imposed restrictions and procedures established under Section 265 as it relates to migrants entering the U.S.¹⁷

FBI Terrorist Screening Database

The Federal Bureau of Investigations (FBI) hosts and maintains a Terrorist Screening Database which monitors national and international individuals identified as potential threats and the information is shared with a variety of federal agencies.¹⁸ Customs officers have access to the list to check people coming into the country at border crossings.¹⁹ As of 2017, approximately 1.16 million people were included on the watchlist, according to government documents, but recent reports suggest the list has since grown to approximately two million people.²⁰

Texas Counties Declare State of Emergency

On May 31, 2021, the Governor of Texas declared a state of emergency for 58 counties near the U.S.-Mexico Border.²¹ The governor stated that a surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties.²² In 2023, the Governor renewed the proclamation as an ongoing issue.²³

Effects of the Memorial

The memorial provides background on the state of the southern border of the United States; detailing reported increases in alien encounters for the years 2018, 2020, and 2023. The memorial states these increases result in higher instances of violent crimes, gang activity, trafficking of dangerous drugs such as fentanyl, sex trafficking, human trafficking, and the threat of infectious diseases. The memorial also states that increases in the number of aliens coming through the southwest border is overwhelming CBP resources and increasing the threat of terrorism.

¹² Congressional Research Service, *COVID-Related Restrictions on Entry into the United States Under Title 42: Litigation and Legal Considerations*, available at <https://crsreports.congress.gov/product/pdf/LSB/LSB10874> (last visited January 8, 2024).

¹³ See e.g. Colleen Long, *Title 42 has ended. Here's what it did, and how US immigration policy is changing*, Associated Press (May 12, 2023), <https://apnews.com/article/immigration-biden-border-title-42-mexico-asylum-be4e0b15b27adb9bede87b9bbefb798d> (last visited January 8, 2024).

¹⁴ Congress Research Service, *supra note 12* at 1.

¹⁵ *Id.* at 6.

¹⁶ See *id.* at 6. (H.R. 801, H.R. 7707 and S. 4022).

¹⁷ See *id.* at 6. (H.R. 7760).

¹⁸ Matthew Barakat, *Judge allows challenge to terrorist watchlist to move ahead*, Associated Press (July 20, 2020), <https://apnews.com/general-news-22a2d0f2f70264e9ae0db4e2b327dabe> (last visited December 11, 2023).

¹⁹ *Id.*

²⁰ E.D. Cauchi and Imtiaz Tyab, *U.S. terrorist watchlist grows to 2 million people — nearly doubling in 6 years*, CBS News (Dec. 14, 2023), <https://www.cbsnews.com/news/us-terrorist-watchlist-grows/> (last visited January 8, 2024).

²¹ Office of the Texas Governor, *Governor Abbott Renews Border Disaster Declaration In September 2023*, <https://gov.texas.gov/news/post/governor-abbott-renews-border-disaster-declaration-in-september-2023> (last visited January 8, 2024).

²² *Id.*

²³ *Id.*

The memorial cites that the Secretary of Homeland Security, Alejandro Mayorkas, has increased the number of aliens seeking asylum who may be admitted into the United States through the expansion of usage of the CBP One App and that most aliens processed through the mobile application will be released into the United States, regardless of whether they are granted parole or are claiming asylum.

The memorial states that with the expiration of Title 42 Policy enacted during the COVID-19 public health emergency, illegal crossings along the southern border are likely to continue to increase. The memorial notes that order at the southern border has deteriorated to such an extent that several counties in Texas have declared states of emergency.

The memorial urges the Federal Government to secure the southern border of the United States and fix the legal immigration system. It directs the Secretary of State to dispatch copies of the memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Homeland Security, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This memorial does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The memorial neither authorizes nor requires executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

House Memorial

A memorial urging the Federal Government to secure the southern border of the United States and fix the legal immigration system.

WHEREAS, the Federal Government has failed to effectively enforce existing immigration laws, which has led to a surge in the number of unauthorized border crossings along the southern border of the United States, and

WHEREAS, United States Customs and Border Protection (CBP) reported 183,503 alien encounters along the southwest border of the United States in July 2023, which represents a stunning 357 percent increase as compared to July 2018, and

WHEREAS, CBP reported 231,529 alien encounters along the southwest border of the United States in October of 2023, and

WHEREAS, CBP reported 7,047,387 alien encounters along the southwest border of the United States since January 2020, and

WHEREAS, with the surge of unauthorized border crossings, numerous states, including Florida, have been burdened with a corresponding increase in violent crime, gang activity, the trafficking of dangerous drugs, such as fentanyl, sex trafficking, human trafficking, and the threat of infectious diseases, and

WHEREAS, the astronomical increase in the number of aliens flooding in through the southwest border has overwhelmed the

26 | resources of CBP, greatly increasing the threat of terrorism,
 27 | given that there are more than 1 million people on the Federal
 28 | Bureau of Investigation's Terrorist Screening Database, and

29 | WHEREAS, at the same time, Secretary of Homeland Security
 30 | Alejandro Mayorkas has increased the number of aliens seeking
 31 | asylum who may be admitted into the United States through the
 32 | ill-conceived expansion of usage of the CBP One mobile
 33 | application, and

34 | WHEREAS, most of the aliens processed through the CBP One
 35 | mobile application will be released into the interior of the
 36 | United States, regardless of whether they are granted parole or
 37 | are claiming asylum, and

38 | WHEREAS, with the expiration of the Title 42 policy enacted
 39 | during the COVID-19 public health emergency, which allowed
 40 | authorities to turn away migrants at the United States border,
 41 | and the suspension of border wall system construction by the
 42 | Biden Administration, illegal crossings along the southern
 43 | border are likely to continue to increase, and

44 | WHEREAS, order at the southern border has deteriorated to
 45 | such an extent that several counties in Texas along the border
 46 | of the United States and Mexico have declared states of
 47 | emergency in response to the invasion of illegal aliens, and

48 | WHEREAS, the myriad threats to our nation that result from
 49 | the collapse of order and security at the southern border not
 50 | only impose a tremendous fiscal burden on the taxpaying public

51 but also have an emotional cost, as Americans' sense of security
 52 and safety within their own communities is compromised, not only
 53 in this state, but in every corner of this nation, and

54 WHEREAS, the policies of the Biden Administration at our
 55 southern border threaten the very foundation of the American way
 56 of life, NOW, THEREFORE,

57

58 Be It Resolved by the Legislature of the State of Florida:

59

60 That the Federal Government is urged to secure the southern
 61 border of the United States and fix the legal immigration
 62 system.

63 BE IT FURTHER RESOLVED that the Secretary of State dispatch
 64 copies of this memorial to the President of the United States,
 65 the President of the United States Senate, the Speaker of the
 66 United States House of Representatives, the Secretary of the
 67 United States Department of Homeland Security, and each member
 68 of the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 691 Town of Horseshoe Beach, Dixie County
SPONSOR(S): Shoaf
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Burgess	Darden
2) Regulatory Reform & Economic Development Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida's Beverage Law limits the number of "quota licenses" that the Department of Business and Professional Regulation (DBPR) may issue per county. A quota license allows a business to serve any alcoholic beverage regardless of alcoholic content, including liquor. DBPR is not limited by the Beverage Law on the number of licenses it may issue for businesses that serve only malt beverages and wine.

The bill creates an exception to ch. 561, F.S., permitting DBPR to issue a special alcoholic beverage license to any bona fide restaurant located within the jurisdictional boundaries of the Town of Horseshoe Beach in Dixie County that meets the following requirements: occupies at least 1,700 square feet of contiguous space, is equipped to serve meals to 50 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages.

The bill provides that failure of a licensee who is issued a special license to meet the gross revenue requirement during the covered operating period will result in the revocation of the license or denial of the pending application for a permanent license of a licensee operating with a temporary license. A licensee whose license is revoked, an applicant whose pending application for a permanent license is denied, or any person required to qualify for the special license application is ineligible to have any interest in a subsequent license application for a period of 120 days after the date of the final denial or revocation.

According to the Economic Impact Statement, the bill will increase revenues for local businesses, which would have an indeterminate positive impact on revenue due to increased sales tax and licensing revenue if such special licenses are granted under the exception.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of alcoholic beverages within the state.¹ Chapters 561-565 and 567-568, F.S., comprise Florida's Beverage Law.

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to businesses selling malt beverages or wine. However, statute limits the number of licenses that may be issued under s. 565.02(1)(a)-(f), F.S., to one license per 7,500 residents per county with a minimum of three licenses per county that has approved the sale of intoxicating liquors.² This license, often referred to as a "quota license," allows a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.³

There are several exceptions to the quota license limitation,⁴ and businesses that meet the requirements set out in one of the exceptions may be issued a special license by DBPR allowing the business to serve any alcoholic beverages regardless of alcohol content. A food service establishment may qualify for an exemption if the building has at least 2,500 square feet of service area, is equipped to serve meals to 150 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter.⁵

Alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.⁶ DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events.⁷ The business must pay an application fee of \$100, stipulate the timeframe for the special event, submit a sketch outlining the expanded premises, and submit written approval from the county or municipality.

Effect of Proposed Changes

The bill creates an exception to ch. 561, F.S. permitting DBPR to issue a special alcoholic beverage license to any bona fide restaurant located within the jurisdictional boundaries of the Town of Horseshoe Beach in Dixie County that meets the following requirements: occupies at least 1,700 square feet of contiguous space, is equipped to serve meals to 50 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages.

The bill provides that failure of a licensee who is issued a special license to meet the gross revenue requirement during the covered operating period will result in the revocation of the license or denial of the pending application for a permanent license of a licensee operating with a temporary license. A licensee whose license is revoked, an applicant whose pending application for a permanent license is

¹ S. 561.02, F.S.

² S. 561.20(1), F.S.

³ S. 565.02, F.S.

⁴ S. 561.20(2), F.S.

⁵ S. 561.20(2)(a)4., F.S. See Rule 61A-3.0141, F.A.C.

⁶ See s. 561.01(11), F.S. (defining "licensed premises" and requiring written approval from the county or municipality to include a sidewalk or any other outside area as part of the licensed premise).

⁷ S. 561.01(11), F.S.

denied, or any person required to qualify for the special license application is ineligible to have any interest in a subsequent license application for a period of 120 days after the date of the final denial or revocation.

According to the Economic Impact Statement, the bill will increase revenues for local businesses, which would have an indeterminate positive impact on revenue due to increased sales tax and licensing revenue if such special licenses are granted under the exception.

B. SECTION DIRECTORY:

Section 1: Creates an exception to general law for restaurants in the Town of Horseshoe Beach.

Section 3: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 26, 2023 and November 2, 2023

WHERE? The *Dixie County Advocate*, a weekly newspaper of general circulation published in Dixie County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

26 day operating period and each 12-month operating period
27 thereafter. Failure of a licensee who is issued this special
28 license to meet the required percentage of food and nonalcoholic
29 beverage gross revenues during the applicable operating period
30 shall result in the revocation of the license or denial of the
31 pending application for a permanent license of a licensee
32 operating with a temporary license. A licensee whose license is
33 revoked, or an applicant whose pending application for a
34 permanent license is denied, or any person required to qualify
35 on the special food service alcohol license application, is
36 ineligible to have any interest in a subsequent application for
37 such license for 120 days after the date of the final denial or
38 revocation.

39 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 741 Town of Hillsboro Beach, Broward County
SPONSOR(S): LaMarca
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Burgess	Darden
2) Regulatory Reform & Economic Development Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida's Beverage Law limits the number of "quota licenses" that the Department of Business and Professional Regulation (DBPR) may issue per county. A quota license allows a business to serve any alcoholic beverage regardless of alcoholic content, including liquor. DBPR is not limited by the Beverage Law on the number of licenses it may issue for businesses that serve only malt beverages and wine.

The bill creates an exception to ch. 561, F.S., permitting DBPR to issue a special alcoholic beverage license to any residential condominium in the Town of Hillsboro Beach, Broward County that meets the following requirements: has no fewer than 50 condominium units in a single building or multiple buildings under the control and operation of the same association of condominium owners; is owned by or rented to non-transients; and is licensed as a food service establishment under ch. 381 or ch. 509, F.S.. The bill provides that the special alcoholic beverage license may only be issued to the entity managing the food and beverage operations of the condominium. The bill limits sales under the license to residents or guests of the condominium for on-premises consumption during the hours where food is sold.

The bill provides that DBPR has the authority to regulate and supervise residential condominiums for which special alcoholic beverage licenses have been issued. The division may revoke or suspend any license for violations of the beverage laws and rules and regulations of this state.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of alcoholic beverages within the state.¹ Chapters 561-565 and 567-568, F.S., comprise Florida's Beverage Law.

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to businesses selling malt beverages or wine. However, statute limits the number of licenses that may be issued under s. 565.02(1)(a)-(f), F.S., to one license per 7,500 residents per county with a minimum of three licenses per county that has approved the sale of intoxicating liquors.² This license, often referred to as a "quota license," allows a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.³

There are several exceptions to the quota license limitation,⁴ and businesses that meet the requirements set out in one of the exceptions may be issued a special license by DBPR allowing the business to serve any alcoholic beverages regardless of alcohol content. A food service establishment may qualify for an exemption if the building has at least 2,500 square feet of service area, is equipped to serve meals to 150 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter.⁵

Alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.⁶ DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events.⁷ The business must pay an application fee of \$100, stipulate the timeframe for the special event, submit a sketch outlining the expanded premises, and submit written approval from the county or municipality.

Effect of Proposed Changes

The bill creates an exception to ch. 561, F.S., permitting DBPR to issue a special alcoholic beverage license to any residential condominium in the Town of Hillsboro Beach, Broward County, that meets the following requirements: has no fewer than 50 condominium units in a single building or multiple buildings under the control and operation of the same association of condominium owners; is owned by or rented to non-transients; and is licensed as a food service establishment under chapter 381 or chapter 509, Florida Statutes.

The bill provides that the special alcoholic beverage license may only be issued to the person, company or corporation that manages the food and beverage operations of the condominium, is limited to the provision of alcoholic beverages for consumption on the premises only to residents and their nonresident guests and does not authorize the condominium to sell alcoholic beverages by the

¹ S. 561.02, F.S.

² S. 561.20(1), F.S.

³ S. 565.02, F.S.

⁴ S. 561.20(2), F.S.

⁵ S. 561.20(2)(a)4., F.S. See Rule 61A-3.0141, F.A.C.

⁶ See s. 561.01(11), F.S. (defining "licensed premises" and requiring written approval from the county or municipality to include a sidewalk or any other outside area as part of the licensed premise).

⁷ S. 561.01(11), F.S.

package for off-premises consumption or to sell alcoholic beverages after the hours of serving or consumption of food have elapsed.

The bill provides that DBPR has the authority to regulate and supervise residential condominiums for which special alcoholic beverage licenses have been issued. The division may revoke or suspend any license for violations of the beverage laws and rules and regulations of this state.

B. SECTION DIRECTORY:

Section 1: Creates an exception to general law to a residential condominium in the Town of Hillsboro Beach, Broward County.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 5, 2023

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward, Palm Beach, and Miami-Dade County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

HB741

2024

1 A bill to be entitled
2 An act relating to the Town of Hillsboro Beach,
3 Broward County; requiring the Division of Alcoholic
4 Beverages and Tobacco of the Department of Business
5 and Professional Regulation to issue a special
6 alcoholic beverage license to a residential
7 condominium that meets certain requirements; limiting
8 the issuance of such license and the provision and
9 sale of alcoholic beverages under such license;
10 authorizing the division to regulate and supervise
11 residential condominiums to which such licenses have
12 been issued; authorizing the division to revoke or
13 suspend such licenses under certain circumstances;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. (1) Notwithstanding s. 561.20(2), Florida
19 Statutes, or any other provision of law, the Division of
20 Alcoholic Beverages and Tobacco of the Department of Business
21 and Professional Regulation shall issue a special alcoholic
22 beverage license to a residential condominium in the Town of
23 Hillsboro Beach, Broward County, which:
24 (a) Has no fewer than 50 condominium units in a single
25 building or multiple buildings under the control and operation

HB741

2024

26 | of the same association of condominium owners.

27 | (b) Is wholly owned by or rented to nontransients.

28 | (c) Is licensed as a food service establishment under
29 | chapter 381 or chapter 509, Florida Statutes, and regularly
30 | offers food and beverage amenities to condominium residents.

31 | (2) A special alcoholic beverage license issued under this
32 | section:

33 | (a) Shall be issued only to the person, company, or
34 | corporation that manages the food and beverage operations of the
35 | condominium and not to the association of condominium owners.

36 | (b) Is limited to the provision of alcoholic beverages for
37 | consumption on the premises only to residents of the condominium
38 | and their nonresident guests.

39 | (c) Does not authorize the condominium to sell alcoholic
40 | beverages by the package for off-premises consumption or to sell
41 | alcoholic beverages after the hours of serving or consumption of
42 | food have elapsed.

43 | (3) The Division of Alcoholic Beverages and Tobacco of the
44 | Department of Business and Professional Regulation may regulate
45 | and supervise residential condominiums to which special
46 | alcoholic beverage licenses have been issued under this section
47 | in accordance with the rules of the division and general law not
48 | inconsistent with this section. The division may revoke or
49 | suspend any such license for violations of the beverage laws and
50 | rules and regulations of this state not inconsistent with this

HB 741

2024

51 | section.

52 | Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 793 Coral Springs Improvement District, Broward County
SPONSOR(S): Daley
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Roy	Darden
2) Constitutional Rights, Rule of Law & Government Operations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

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

The Coral Springs Improvement District (CSID) is an independent special district providing drainage, water, and sewer services to portions of the City of Coral Springs in Broward County. The CSID was created by a circuit court order in 1966, with a charter codified by a special act in 1970, and re-codified in 2004. As originally enacted, the charter provided the CSID with an expanded scope of powers, including all powers under ch. 298, F.S., as well as authority to develop and operate water and sewer systems.

General law contains numerous provisions concerning the procurement of commodities and services, including commodities or contractual services, construction services, and certain professional services.

The bill revises the purchasing and contracting requirements of the CSID by:

- Increasing the threshold at which competitive bidding is required for goods, supplies, or materials to the Category Four threshold;
- Requiring the district to publish notice of bids once a week in a newspaper of general circulation in Broward County and in the district;
- Requiring the district to comply with the procedures in s. 255.20, F.S., and other applicable general law, when seeking to construct or improve a public building, structure, or other public works projects;
- Clarifying the district must accept the bid of the lowest responsive and responsible bidder, unless the board determines it is in the best interest of the district to reject all of the bids;
- Providing that the provisions of the Consultants’ Competitive Negotiation Act apply to district contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services;
- Requiring the district to undergo a competitive bidding procedure for contracts for maintenance services that exceed the Category Four threshold and to adopt rules, policies, and procedures for bids for maintenance services;
- Providing that other services are not subject to competitive bidding requirements unless the board adopts a rule, policy, or procedure; and
- Authorizes the district to apply to the Department of Management Services to purchase commodities and contractual services from purchasing agreements established and state term contracts procured by the department.

According to the Economic Impact Statement, the bill is likely to result in cost savings to the district due to the modernization of procurement procedures.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0793.LFS

DATE: 1/8/2024

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁴

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

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁵

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.⁶

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.⁷

Coral Springs Improvement District

The Coral Springs Improvement District (CSID) is an independent special district providing drainage, water, and sewer services to portions of the City of Coral Springs in Broward County.⁸ The CSID was created by a circuit court order in 1966, with a charter codified by special act in 1970,⁹ and re-codified in 2004.¹⁰ As originally enacted, the charter provided the district with an expanded scope of powers,

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

² See S. 189.02(1), 189.031(3), and. 190.005(1), F.S. See *generally* s. 189.012(6), F.S.

³ Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Jan. 8, 2024).

⁴ The method of financing a district must be stated in its charter. S. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See *also*, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

⁵ S. 189.012(2), F.S.

⁶ S. 189.012(3), F.S.

⁷ See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

⁸ See ch. 2004-469, s. 7, Laws of Fla. See *also* City of Coral Springs, *Water Billing*, <https://www.coral springs.org/Government/Departments/Water-Billing> (last visited Jan. 8, 2024) (maps of water districts providing services to the residents of Coral Springs).

⁹ Ch. 70-617, Laws of Fla.

¹⁰ Ch. 2004-469, s. 2, 3(1), Laws of Fla.

including all powers under ch. 298, F.S., as well as authority to develop and operate water and sewer systems.¹¹

The CSID is currently governed by a three-member board elected by the landowners of the district on a one-acre, one-vote basis for a four-year term.¹² A majority of board members must be residents of Broward County and all must own land within the district. Beginning with the 2024 general election, the CSID must be governed by a five-member board elected by, and consisting of, qualified electors of the district.¹³

Procurement of Commodities or Contractual Services

Florida law requires state agencies to use a competitive solicitation process for the procurement of commodities or contractual services in excess of threshold for Category Two.¹⁴ A competitive solicitation is the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the term of a competitive process, regardless of procurement method.¹⁵ Any competitive solicitation must be made available simultaneously to all vendors, must include the time and date for receipt of bids, and must include all contractual terms and conditions applicable to the procurement.¹⁶

Procurement of Construction Services

Chapter 255, F.S., specifies the procedures to be followed for the procurement of construction services for public property and publicly owned buildings. The Department of Management Services (DMS) is responsible for establishing the following by rule:

- Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts;
- Procedures for awarding each state agency construction project to the lowest qualified bidder;
- Procedures to govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state; and
- Procedures for entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.¹⁷

Counties, municipalities, special districts, and other political subdivisions seeking to construct or improve a public building, structure, or other public construction works must competitively award the project if the projected cost is in excess of \$300,000.¹⁸ For electrical work, local governments must competitively award¹⁹ projects estimated to cost more than \$75,000.²⁰ These threshold amounts are adjusted by the percentage change in the Engineering News-Record's Building Cost Index²¹ from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.²²

¹¹ Ch. 70-617, s. 9(21), Laws of Fla., now ch. 2004-469, s. 9(21) of s. 3, Laws of Fla.

¹² Ch. 2004-469, ss. 3(5)(1) and 3(5)(3), Laws of Fla.

¹³ Ch. 2004-469 ss. 3(5)(1) and 3(5)(3), Laws of Fla., as amended by ch. 2021-253, Laws of Fla.

¹⁴ The Category Two threshold is \$35,000. S. 287.017, F.S.

¹⁵ S. 287.012(6), F.S.

¹⁶ S. 287.012(12), F.S.

¹⁷ S. 255.29, F.S.

¹⁸ S. 255.20(1), F.S.

¹⁹ 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. *Id.*

²⁰ *Id.*

²¹ The Engineering News-Record is a weekly private-sector publication that publishes, monthly, a Building Cost index (BCI).

Construction Economics, ENGINEERING NEWS-RECORD, <https://www.enr.com/economics> (last visited Jan. 8, 2024).

The BCI serves to inform those in the engineering profession and construction industry about general construction costs across the United States. *Id.* The BCI has a material component that incorporates the actual cost of construction materials and a labor component incorporating the actual cost of labor. *Using ENR Indexes*, ENGINEERING NEWS-RECORD, <https://www.enr.com/economics/faq> (last visited Jan. 7, 2024).

²² S. 255.20(2), F.S.

Consultants' Competitive Negotiation Act

In 1972, Congress passed the Brooks Act,²³ which requires federal agencies to use a qualifications-based selection process for architectural, engineering, and associated services, such as mapping and surveying. Qualifications-based selection is a process whereby service providers are retained on the basis of competency, qualifications, and experience, rather than price. In 1973, the Florida Legislature enacted the Consultants' Competitive Negotiation Act (CCNA),²⁴ which is modeled after the Brooks Act. The CCNA requires state and local government agencies to procure the professional services of an architect, professional engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process.²⁵

The CCNA establishes a three-phase process for procuring professional services:

- Phase 1 – Public announcement and qualification.
- Phase 2 – Competitive selection.
- Phase 3 – Competitive negotiation.

During Phase 1, the public announcement and qualification phase, state and local agencies must publicly announce each occasion when professional services will be purchased for one of the following:

- A project, when the basic construction cost is estimated by the agency to exceed \$325,000; or
- A planning or study activity, when the fee for professional services exceeds \$35,000.²⁶

During Phase 2 of the competitive selection phase, an agency must evaluate the qualifications and past performance of interested consultants and select at least three consultants, ranked in order of preference, that it considers the most highly qualified to perform the required services. During this phase, the CCNA prohibits the agency from requesting, accepting, or considering proposals for the compensation to be paid.

During Phase 3 of the competitive negotiation phase, an agency must first negotiate compensation with the highest ranked consultant. If the agency is unable to negotiate a satisfactory contract with that consultant at a price the agency determines to be fair, competitive, and reasonable, negotiations with the consultant must be formally terminated. The agency must then negotiate with the remaining ranked consultants, in order of rank, and follow the same process until an agreement is reached. If the agency is unable to negotiate a satisfactory contract with any of the ranked consultants, the agency must select additional consultants, ranked in the order of competence and qualification without regard to price, and continue negotiations until an agreement is reached.²⁷

The CCNA explicitly states it does not prohibit a continuing contract²⁸ between a firm and an agency.²⁹ A continuing contract is a contract for professional services entered into in accordance with the CCNA between an agency and a firm whereby the firm provides professional services to the agency for projects.³⁰ The CCNA prohibits firms that are parties to a continuing contract from being required to bid against one another.³¹

Current law authorizes the use of a continuing contract for construction projects in which the estimated construction cost of each project does not exceed \$4 million, for study activities if the fee for professional services for each study does not exceed \$500,000, or for work of a specified nature as

²³ Public Law 92-582, 86 Stat. 1278 (1972).

²⁴ Ch. 73-19, Laws of Fla., codified as s. 287.055, F.S.

²⁵ S. 287.055, F.S.

²⁶ S. 287.055(3)(a)1., F.S.

²⁷ S. 287.055(5), F.S.

²⁸ S. 287.055(2)(g), F.S.

²⁹ S. 287.055(4)(d), F.S.

³⁰ S. 287.055(2)(g), F.S.

³¹ *Id.*

outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except the contract must include a termination clause.³²

State Term Contracts

A state term contract is a contract for commodities or contractual services that is competitively procured by DMS and that is used by agencies and other eligible users.³³ Agencies must purchase commodities or contractual services from a state term contract if one has been competitively procured by DMS.³⁴ Agencies may use a request for quote (RFQ)³⁵ to obtain written pricing or services information from a state term contract vendor. The purpose of an RFQ is to determine whether a price, term, or condition is more favorable to the agency or eligible user than that provided in the state term contract is available.³⁶

Effects of Proposed Changes

The bill amends the charter of the CSID to revises purchasing and contracting requirements.

The bill provides that contracts for goods, supplies, or materials to be purchased must be put up for bid if the amount exceeds the threshold of Category Four.³⁷ The bill revises the notice requirement for bids from once a week for two consecutive weeks in a newspaper published in Broward County, to once in a newspaper in general circulation in the county and district.

The bill requires the board, when seeking to construct or improve a public building, structure, or other public works project, to comply with the procedures in s. 255.20, F.S. and other applicable general law.

The bill requires the district to accept the bid of the lowest responsive and responsible bidder, unless the board determines it is in the best interest of the district to reject all bids.

The bill provides that the requirements of the Consultants' Competitive Negotiation Act apply to the district's contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services.

The bill requires that contracts for maintenance services for any district facility or project must be subject to competitive bidding requirements when the amount to be paid by the district exceeds the threshold amount of Category Four.³⁸ The district is required to adopt rules, policies, and procedures establishing competitive bidding procedures for maintenance services. Unless otherwise required by district rule or policy, contracts for other services are not subject to competitive bidding requirements.

Lastly, the bill authorizes the district to apply to DMS to purchase commodities and contractual services from purchasing agreements established and state term contracts procured by the department.

B. SECTION DIRECTORY:

Section 1: Amends the ch. 2004-469, Laws of Fla. revising district purchasing and contracting requirements for the Coral Springs Improvement District.

Section 2: Provides an effective date of upon becoming a law.

³² S. 287.055(2)(g), F.S.

³³ S. 287.012(28), F.S.; *see also* s. 287.042(2)(a), F.S.

³⁴ S. 287.056(1), F.S.

³⁵ A "request for quote" is an oral, electronic, or written request for written pricing or services information from a state term contract vendor for commodities or contractual services available on a state term contract from that vendor. S. 287.012(24), F.S.

³⁶ S. 287.056(2), F.S.

³⁷ The Category Four threshold is \$195,000. S. 287.017, F.S.

³⁸ *Id.*

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 5, 2023.

WHERE? *Sun-Sentinel*, a daily newspaper published in Broward, Palm Beach, and Miami-Dade County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

26 | the amount provided in section 287.017, Florida Statutes, for
 27 | category four shall exceed \$4,000, unless notice of bids is
 28 | ~~shall be advertised once a week for 2 consecutive weeks~~ in a
 29 | newspaper in published in Broward County and of general
 30 | circulation in the county and in the district. The board, if
 31 | seeking to construct or improve a public building, structure, or
 32 | other public works, shall comply with the bidding procedures of
 33 | section 255.20, Florida Statutes, and other applicable general
 34 | law. ~~and~~ In each case, the bid of the lowest responsive and
 35 | responsible bidder shall be accepted, unless all bids are
 36 | rejected because the bids are too high or the board determines
 37 | it is in the best interests of the district to reject all bids.
 38 | The board may require the bidders to furnish bonds ~~and~~ with a
 39 | responsible surety to be approved by the board. Nothing in this
 40 | section shall prevent the board from undertaking and performing
 41 | the construction, operation, and maintenance of any project or
 42 | facility authorized by this act, by the employment of labor,
 43 | material, and machinery.

44 | (2) The provisions of the Consultants' Competitive
 45 | Negotiation Act, section 287.055, Florida Statutes, apply to
 46 | contracts for engineering, architecture, landscape architecture,
 47 | or registered surveying and mapping services let by the board.

48 | (3) Contracts for maintenance services for any district
 49 | facility or project shall be subject to competitive bidding
 50 | requirements when the amount thereof to be paid by the district

HB 793

2024

51 exceeds the amount provided in section 287.017, Florida
52 Statutes, for category four. The district shall adopt rules,
53 policies, or procedures establishing competitive bidding
54 procedures for maintenance services. Contracts for other
55 services shall not be subject to competitive bidding unless the
56 district adopts a rule, policy, or procedure applying
57 competitive bidding procedures to such contracts.

58 (4) The district may apply to the Department of Management
59 Services, or the entity succeeding to the duties of such
60 department, to purchase commodities and contractual services
61 from purchasing agreements established and state term contracts
62 procured pursuant to section 287.057, Florida Statutes, by such
63 department, as provided in section 287.056, Florida Statutes.

64 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 823 North Okaloosa Fire District, Okaloosa County
SPONSOR(S): Maney
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Mwakyanjala	Darden
2) Ways & Means Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Independent special fire control districts are a type of independent special district created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district. Independent fire control districts are governed by both the Uniform Special District Accountability Act and the Independent Special Fire Control District Act.

Local governments may impose impact fees to fund infrastructure needed to expand local services to meet the demands of population growth caused by new growth. The board of an independent fire control district may impose an impact fee if authorized by law and the county or municipality in which it is located has not adopted an impact fee for fire services that is distributed to the district for the purchase of new facilities or equipment. Impact fees collected by an independent fire control district must be kept separate from other revenues of the district and be used exclusively to acquire, purchase, or construct new facilities to provide fire protection and emergency services to new construction.

The bill authorizes the board of fire commissioners of the North Okaloosa Fire District (District) to establish a schedule of impact fees for new construction in order to pay for the cost of new facilities and equipment following the procedure for fire protection impact fees established in general law. The bill also authorizes the District to enter into agreements with the county or a municipality if those governments impose impact fees for fire protection services.

The Economic Impact Statement filed with the bill anticipates approximately \$76,000.00 in additional revenue for the District for the first two fiscal years after bill is in effect.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁴

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

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁵

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.⁶

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.⁷

Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district created by the Legislature to provide fire suppression and related activities within the territorial jurisdiction of the district.⁸ As of January 5, 2024, there were 54 active independent special fire control districts.⁹

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

² See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally s. 189.012(6), F.S.

³ Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Jan. 5, 2024).

⁴ The method of financing a district must be stated in its charter. Ss. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

⁵ S. 189.012(2), F.S.

⁶ S. 189.012(3), F.S.

⁷ See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

⁸ S. 191.003(5), F.S.

⁹ Dept. of Commerce, Special District Accountability Program, *Official List of Special Districts*, available at <https://specialdistrictreports.floridajobs.org/OfficialList/CustomList> (last visited Jan. 5, 2024).

The Independent Special Fire Control District Act (ISFCDA)¹⁰ provides standards, direction, and procedures for the uniform operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and elections.¹¹ The ISFDCA controls over more specific provisions in any special act or general law of local application creating a fire control district's charter,¹² requires every fire control district be governed by a five-member board,¹³ and provides:

- General powers;¹⁴
- Special powers;¹⁵
- Authority and procedures for the assessment and collection of ad valorem taxes;¹⁶
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;¹⁷ and
- Issuance of district bonds and evidence of debt.¹⁸

Fire control districts may levy ad valorem taxes on real property within the district of no more than 3.75 mills unless a greater amount was previously authorized.¹⁹ A district also may levy non-ad valorem assessments and adopt a schedule of reasonable fees for services performed.²⁰

Additionally, the district board may impose an impact fee if authorized by law and the county or municipality in which it is located has not adopted an impact fee for fire services that is distributed to the district for the purchase of new facilities and equipment.²¹ Impacts fees collected by the district must be kept separate from other revenues of the district and used exclusively to acquire, purchase, or construct new facilities to provide fire protection and emergency services to new construction.²² The board of the district must maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment. If the county or municipality adopts an impact fee for fire protection services, the board of the district may enter into agreements with that government to share in the revenues generated by the fire protection impact fee.

¹⁰ Ch. 191, F.S.

¹¹ S. 191.002, F.S.

¹² S. 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

¹³ S. 191.005(1)(a), F.S. (fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997).

¹⁴ S. 191.006, F.S. (e.g. the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

¹⁵ S. 191.008, F.S.

¹⁶ Ss. 191.006(14) and 191.009(1), F.S.

¹⁷ Ss. 191.006(11) and (15); 191.009(2), (3), and (4); and 191.011, F.S.

¹⁸ S. 191.012, F.S.

¹⁹ S. 191.009(1), F.S. *But see* art. VII, s. 9, Fla. Const. (special districts may not levy an ad valorem tax in excess of the millage "authorized by law approved by vote of the electors.")

²⁰ Ss. 191.009(2)-(3), F.S. If the district levies a non-ad valorem assessment to fund emergency medical and transport services, the district is prohibited from levying an ad valorem tax to fund those services.

²¹ S. 191.009(4), F.S.

²² *Id.* For purposes of this section, "new facilities" is defined as land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment, as well as upgrades to existing facilities for the purpose of providing service to new construction.

Impact Fees

A method of funding local government transportation concurrency is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure²³ needed to expand local services to meet the demands of population growth caused by new growth.²⁴ Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated using the most recent and localized data.²⁵
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.²⁶
- Charges imposed for the collection of impact fees must be limited to the actual costs.²⁷
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.²⁸
- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.²⁹
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.³⁰
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.³¹
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.³²
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.³³

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.³⁴ Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made.

Local governments may increase impact fees only under limited circumstances. A fee may be increased no more than once every four years, may not be increased retroactively, the increase may not exceed 50 percent of the current impact fee amount, and any increase must be consistent with a statutorily-compliant plan for the imposition, collection, and use of the fees. An increase not exceeding

²³ "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.

²⁴ S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.

²⁵ S. 163.31801(4)(a), F.S.

²⁶ S. 163.31801(4)(b), F.S.

²⁷ S. 163.31801(4)(c), F.S.

²⁸ S. 163.31801(4)(d), F.S.

²⁹ S. 163.31801(4)(e), F.S.

³⁰ S. 163.31801(4)(f), F.S.

³¹ S. 163.31801(4)(g), F.S.

³² S. 163.31801(4)(h), F.S.

³³ S. 163.31801(4)(i), F.S.

³⁴ See s. 163.31801(2), F.S.

25 percent of the current fee amount must be implemented in two equal annual increments, while an increase greater than 25 percent but not exceeding 50 percent of the current amount must be implemented in four equal annual installments. However, a local government may increase a fee more than once in four years or for more than 50 percent of a current impact fee amount if it has:

- Prepared a demonstrated-need study within 12 months before adopting the increase showing extraordinary circumstances necessitating the need for the increase;
- Conducted at least two publicly noticed workshops on the extraordinary circumstances justifying the increase; and
- Approved the increase by at least a two-thirds vote of the governing body.³⁵

A local government that increases an impact fee must still provide the holder of any impact fee credit the full benefit of the density and intensity prepaid by the credit balance.³⁶

With each annual financial report or audit filed³⁷ a local government must report specific information on impact fees imposed, including the specific purpose of the fee, the impact fee schedule describing the method of calculating the fee, the amount assessed for each purpose and for each type of dwelling, the total amount of fees charged by type of dwelling, and each exception or waiver to the imposition of impact fees provided for construction of affordable housing.³⁸ Additionally, the chief financial officer or executive officer (if there is no chief financial officer) must submit with the annual financial report an affidavit attesting that all impact fees were collected and expended by the local government, or on its behalf, in full compliance with the spending period provisions in the local ordinance and that funds expended from each impact fee account were used to acquire, construct, or improve those specific infrastructure needs.³⁹

North Okaloosa Fire District

The North Okaloosa Fire District (District), formerly known as the Crestview Area Okaloosa County Fire District, is an independent special fire control district created by local ordinance in 1977.⁴⁰ The District's charter was recodified in 2001.⁴¹ The District serves approximately 77 square miles in Okaloosa County and was established for the purpose of providing fire protection, fire prevention, emergency medical and rescue services, and acquiring and maintaining firefighting, fire protection, rescue, medical, and other emergency equipment.⁴²

The District is divided into four separate geographic areas⁴³ and governed by a five-member elected board of fire commissioners (Board).⁴⁴ Each geographic area elects a member to represent the area on the Board and one member is elected at-large by all electors residing within the District.⁴⁵

The District has the power to levy and assess ad valorem taxes and non-ad valorem assessments.⁴⁶ The District may not levy ad valorem taxes exceeding 3.75 mills. The District does not currently levy ad valorem taxes and generates the majority of its revenue via property assessments and charges.⁴⁷

³⁵ S. 163.31801(6), F.S.

³⁶ S. 163.31801(7), F.S.

³⁷ See ss. 218.32, 218.39, F.S.

³⁸ S. 163.31801(13), F.S.

³⁹ S. 163.31801(8), F.S.

⁴⁰ Ord. No. 77-18, Okaloosa County (June 14, 1977). See also North Okaloosa Fire District, *Financial Statements, September 30, 2021* 13, <https://northokaloosafire.com/wp-content/uploads/2022/08/Audit-2021.pdf> (last visited Jan. 8, 2024) (providing history of the North Okaloosa Fire District).

⁴¹ Ch. 2001-333, Laws of Fla.

⁴² North Okaloosa Fire District, *About NOFD*, <https://northokaloosafire.com/about-us/> (last visited Jan. 3, 2024).

⁴³ Ch. 2001-333, s. 4, Laws of Fla. The boundaries of the four geographic areas are set by the fire commissioners based on geographic and population criteria. The location of the District's fire stations and precinct lines are also considered.

⁴⁴ Ch. 2001-333, s. 3, Laws of Fla.

⁴⁵ Ch. 2001-333, s. 4, Laws of Fla.

⁴⁶ Ch. 2007-311, s. 6(1), Laws of Fla.

⁴⁷ See North Okaloosa Fire District, *FY 2024 Budget*, available at <https://northokaloosafire.com/documents/> (last visited Jan. 6, 2024).

Effect of Proposed Changes

The bill authorizes the District Board to establish a schedule of impact fees for new construction in order to pay for the cost of new facilities and equipment, provided the county or a municipality has not adopted an impact fee for fire services which is distributed to the District. The bill directs the District to use the funds generated by impact fees solely to acquire, purchase, or construct new facilities and equipment needed to provide fire protection and emergency services and requires the funds to be kept separate from other revenues. The Board is required to maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment. These requirements mirror the requirements in general law for an independent special fire control district to collect impact fees.

If the county or a municipality adopts an impact fee for fire protection services, the bill allows the District Board to enter into agreements with that government in order to share in the revenues generated by fire protection impact fees.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2001-333, Laws of Fla., relating to North Okaloosa Fire District.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 9, 2023.

WHERE? The *Crestview News Bulletin*, a newspaper of general circulation in Okaloosa County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

HB 823

2024

26 part the result of new construction. The impact fees collected
27 by the district under this subsection shall be kept separate
28 from other revenues of the district and must be used exclusively
29 to acquire, purchase, or construct new facilities or portions
30 thereof needed to provide fire protection and emergency services
31 to new construction. As used in this subsection, the term "new
32 facilities" means land, buildings, and capital equipment,
33 including, but not limited to, fire and emergency vehicles,
34 radio telemetry equipment, and other firefighting or rescue
35 equipment. The board shall maintain adequate records to ensure
36 that impact fees are expended only for permissible new
37 facilities or equipment. The board may enter into agreements
38 with general purpose local governments to share in the revenues
39 from fire protection impact fees imposed by such governments.

40 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 867 North River Ranch Improvement Stewardship District, Manatee County
SPONSOR(S): Robinson, W.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Roy	Darden
2) State Affairs Committee			

SUMMARY ANALYSIS

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

The North River Ranch Improvement Stewardship District (NRRISD) is an independent special district in Manatee County created by special act in 2020. NRRISD provides community development systems, facilities, services, projects, improvements, and infrastructure to the area. The district is governed by a five-member board of supervisors elected on a one vote per acre basis for four-year terms. The District is authorized to impose ad valorem taxes and may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments. However, ad valorem taxes may be imposed only after all members of the board are elected on a popular vote basis and the levy of ad valorem taxes is approved by the district voters in a subsequent referendum.

The bill expands the boundaries of NRRISD by approximately 125.75 acres to a total of 2,126.844 acres.

The Economic Impact Statement filed with the bill indicates that the bill will raise an expected \$500,000 in additional revenue, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁴

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

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁵

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.⁶

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.⁷

North River Ranch Improvement Stewardship District

North River Ranch Improvement Stewardship District (NRRISD) is an independent special district created in 2020 by special act.⁸ The NRRISD covers land in Manatee County and its purpose is to provide for a comprehensive community development approach that facilitates an integral relationship among regional transportation, land use, and urban design, creating a diverse mix of housing and regional employment and economic development opportunities, rather than fragmented development with underutilized infrastructure which is generally associated with urban sprawl.⁹ The NRRISD is

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

² See ss. 189.02(1), 189.031(3), and. 190.005(1), F.S. See generally s. 189.012(6), F.S.

³ Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Dec. 5, 2023).

⁴ The method of financing a district must be stated in its charter. Ss. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

⁵ S. 189.012(2), F.S.

⁶ S. 189.012(3), F.S.

⁷ See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

⁸ Ch. 2020-191, Laws of Fla.

⁹ Ch. 2020-191, s. 1(2)(1)(b), Laws of Fla.

authorized to provide these services extraterritorially upon execution of an interlocal agreement.¹⁰ The district is governed by a five-member board of supervisors (board) elected to serve four-year terms either by the landowners or qualified electors residing in the district.¹¹

The NRRISD is authorized to impose ad valorem taxes and may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments.¹² However, ad valorem taxes may be imposed only after all members of the board are elected on a popular vote basis and the levy of ad valorem taxes is approved by the district voters in a subsequent referendum.¹³

The district's charter requires the board to obtain a resolution or other official statement from Manatee County stating the amendment is consistent with approved local government plans of the county and that the county has no objection to the amendment.¹⁴ The district received this consent.¹⁵

Effects of Proposed Changes

The bill amends the charter of NRRISD in revising the boundary description and expanding the boundaries of the district. The bill adds three segments of the district of approximately 87 acres, 30 acres, and 8.75 acres for a total of 125.75 acres.

The Economic Impact Statement filed with the bill indicates that the bill will raise an expected \$500,000 in additional revenue, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2020-191, Laws of Fla., as amended, revising the boundaries of the North River Ranch Improvement Stewardship District.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 12, 2023

WHERE? *The Bradenton Herald*, a daily newspaper of general circulation published in Manatee County.

B. REFERENDUM(S) REQUIRED? Yes No

¹⁰ Ch. 2020-191, s. 1(3)(4), Laws of Fla.

¹¹ Ch. 2020-191, s. 1(5), Laws of Fla. As qualified electors move into the District, more members are chosen in an election of the qualified electorate rather than a landowners' meeting. Once 15,000 qualified electors reside within the District, all five members will be elected by the qualified electorate. Ch. 2020-191, s.1(5)(3)(a)2.a(IV), Laws of Fla.

¹² Ch. 2020-191, s. 1(6)(12), Laws of Fla. The District currently does not levy ad valorem taxes. The District may only levy ad valorem taxes subject to approval at a referendum held after the complete transition of the District's board to election by the qualified electors of the District.

¹³ Ch. 2020-191, ss. 1(5)(3)(a)1. and 1(6)(12)(a), Laws of Fla.

¹⁴ Ch. 2021-191, s. 1(2)(3)(f), Laws of Fla.

¹⁵ See Manatee Cnty., Board of Cnty. Commissioners, Meeting Minutes for Sept. 26, 2023, *available at* https://www.mymanatee.org/government/board_of_county_commissioners/bcc_meetings_and_agendas (last visited Jan. 4, 2023).

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

At line 641, the bill states the total area of the district with an increase of 111.27 acres from the total area currently provided in the charter. However, the additional parcels added to the district by the bill total of 125.75 acres according to their individual segments.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

26 | LINE OF LOT 1, BLOCK 1, MANATEE RIVER FARMS AS
 27 | RECORDED IN PLAT BOOK 6, PAGE 45 OF THE PUBLIC RECORDS
 28 | OF MANATEE COUNTY, FLORIDA; THENCE, ALONG SAID LINE,
 29 | S.73°37'59"W., 670.12 FEET; THENCE N.00°06'17"E., FOR
 30 | 412.91 FEET; THENCE N.01°49'12"W., FOR 315.39 FEET TO
 31 | THE SOUTH LINE OF SAID SECTION 19; THENCE, LEAVING
 32 | SAID SOUTH LINE, N.00°34'28"W., FOR 441.76 FEET;
 33 | THENCE N.01°53'22"E., FOR 220.56 FEET; THENCE
 34 | S.89°53'31"W., FOR 858.88 FEET; THENCE S.84°33'13"W.,
 35 | FOR 104.29 FEET; THENCE S.76°54'28"W., FOR 377.88
 36 | FEET; THENCE N.00°07'22"W., FOR 1,708.90 FEET TO THE
 37 | SOUTH RIGHT OF WAY LINE OF MOCCASIN WALLOW ROAD;
 38 | THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE,
 39 | S.89°15'16"E., FOR 1,980.23 FEET TO THE EAST LINE OF
 40 | SAID SECTION 19, SAID LINE ALSO BEING THE WEST LINE OF
 41 | SAID SECTION 20; THENCE, CONTINUE ALONG SAID SOUTH
 42 | RIGHT OF WAY LINE, S.88°55'05"E., 666.19 FEET; THENCE,
 43 | LEAVING SAID SOUTH RIGHT OF WAY LINE, S00°06'09"E.,
 44 | FOR 397.02 FEET; THENCE S.89°16'25"E., FOR 135.94
 45 | FEET; THENCE S.88°59'12"E., FOR 121.89 FEET; THENCE
 46 | S.81°46'46"E., FOR 200.24 FEET; THENCE S.89°10'18"E.,
 47 | FOR 210.00 FEET TO THE EAST LINE OF THE NORTHWEST 1/4
 48 | OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE, ALONG
 49 | SAID EAST LINE, S.00°04'54"E., FOR 673.99 FEET TO THE
 50 | SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4,

51 SAID LINE ALSO BEING THE NORTH LINE OF THE SOUTHWEST
 52 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE,
 53 ALONG SAID LINE, N.89°31'56"W., FOR 665.68 FEET;
 54 THENCE, LEAVING SAID LINE, S.00°06'09"E., FOR 467.45
 55 FEET; THENCE N.89°51'11"E., FOR 59.49 FEET; THENCE
 56 S.00°06'09"E., FOR 663.67 FEET TO THE SOUTH LINE OF
 57 SECTION 20, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE
 58 COUNTY, FLORIDA; THENCE, ALONG SAID SOUTH LINE,
 59 S.89°51'11"W., FOR 724.73 FEET TO THE POINT OF
 60 BEGINNING.

61
 62 LESS AND EXCEPT THAT CERTAIN RIGHT-OF-WAY BEING MORE
 63 PARTICULARLY DESCRIBED AS FOLLOWS:

64
 65 A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD
 66 BOOK 2066, PAGE 3027, PUBLIC RECORDS OF MANATEE
 67 COUNTY, FLORIDA, LYING IN SECTIONS 19 AND 30, TOWNSHIP
 68 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA,
 69 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

70
 71 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19;
 72 THENCE SOUTH 86°58'46" WEST, ALONG THE SOUTH LINE OF
 73 THE SOUTHEAST 1/4 OF SAID SECTION 19, A DISTANCE OF
 74 537.04 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
 75 00°13'25" WEST, A DISTANCE OF 2.00 FEET TO A POINT ON

76 | A CURVE TO THE RIGHT; THENCE SOUTHERLY 171.21 FEET
 77 | ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 860.00
 78 | FEET, A CENTRAL ANGLE OF 11°24'23", AND A CHORD
 79 | BEARING AND DISTANCE OF SOUTH 05°55'36" WEST 170.93
 80 | FEET TO A POINT OF REVERSE CURVE TO THE LEFT; THENCE
 81 | SOUTHERLY 148.63 FEET ALONG THE ARC OF SAID CURVE,
 82 | HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF
 83 | 11°30'27", AND A CHORD BEARING AND DISTANCE OF SOUTH
 84 | 05°52'34" WEST 148.38 FEET; THENCE SOUTH 00°07'20"
 85 | WEST, A DISTANCE OF 359.62 FEET TO THE NORTH RIGHT OF
 86 | WAY LINE OF FP & L RAILROAD; THENCE ALONG SAID NORTH
 87 | RIGHT OF WAY LINE, SOUTH 73°37'35" WEST, A DISTANCE OF
 88 | 77.06 FEET; THENCE NORTH 01°01'42" WEST, A DISTANCE OF
 89 | 694.96 FEET; THENCE NORTH 00°13'25" EAST, A DISTANCE
 90 | OF 724.64 FEET TO A POINT ON A CURVE TO THE LEFT;
 91 | THENCE NORTHERLY 205.25 FEET ALONG THE ARC OF SAID
 92 | CURVE, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE
 93 | OF 21°00'00", AND A CHORD BEARING AND DISTANCE OF
 94 | NORTH 10°16'36" WEST 204.10 FEET; THENCE NORTH
 95 | 20°46'36" WEST, A DISTANCE OF 207.01 FEET TO A POINT
 96 | ON A CURVE TO THE LEFT; THENCE NORTHWESTERLY 211.09
 97 | FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF
 98 | 940.00 FEET, A CENTRAL ANGLE OF 12°52'00", AND A CHORD
 99 | BEARING AND DISTANCE OF NORTH 27°12'36" WEST 210.65
 100 | FEET TO A POINT OF REVERSE CURVE TO THE RIGHT; THENCE

101 NORTHERLY 622.42 FEET ALONG THE ARC OF SAID CURVE,
 102 HAVING A RADIUS OF 1,060.00 FEET, A CENTRAL ANGLE OF
 103 33°38'35", AND A CHORD BEARING AND DISTANCE OF NORTH
 104 16°49'18" WEST 613.51 FEET; THENCE NORTH 00°00'00"
 105 WEST, A DISTANCE OF 296.18 FEET; THENCE NORTH
 106 44°34'29" WEST, A DISTANCE OF 70.18 FEET; THENCE NORTH
 107 00°48'08" EAST, A DISTANCE OF 46.61 FEET TO THE SOUTH
 108 MAINTAINED RIGHT OF WAY LINE OF MOCCASIN WALLOW ROAD;
 109 THENCE ALONG SAID SOUTH MAINTAINED RIGHT OF WAY LINE,
 110 SOUTH 89°11'52" EAST, A DISTANCE OF 230.02 FEET;
 111 THENCE, LEAVING SAID SOUTH MAINTAINED RIGHT OF WAY
 112 LINE, SOUTH 00°48'08" WEST, A DISTANCE OF 46.66 FEET;
 113 THENCE SOUTH 45°25'31" WEST, A DISTANCE OF 71.23 FEET;
 114 THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 236.20
 115 FEET; THENCE SOUTH 04°08'24" WEST, A DISTANCE OF
 116 114.31 FEET TO A POINT ON A NON-TANGENT CURVE TO THE
 117 LEFT; THENCE SOUTHERLY 494.62 FEET ALONG THE ARC OF
 118 SAID CURVE, HAVING A RADIUS OF 940.00 FEET, A CENTRAL
 119 ANGLE OF 30°08'55", AND A CHORD BEARING AND DISTANCE
 120 OF SOUTH 18°34'08" EAST 488.93 FEET TO A POINT OF
 121 REVERSE CURVE TO THE RIGHT; THENCE SOUTHEASTERLY
 122 238.04 FEET ALONG THE ARC OF SAID CURVE, HAVING A
 123 RADIUS OF 1,060.00 FEET, A CENTRAL ANGLE OF 12°52'00",
 124 AND A CHORD BEARING AND DISTANCE OF SOUTH 27°12'36"
 125 EAST 237.54 FEET; THENCE SOUTH 20°46'36" EAST, A

126 DISTANCE OF 207.01 FEET TO A POINT ON A CURVE TO THE
 127 RIGHT; THENCE SOUTHERLY 249.23 FEET ALONG THE ARC OF
 128 SAID CURVE, HAVING A RADIUS OF 680.00 FEET, A CENTRAL
 129 ANGLE OF 21°00'00", AND A CHORD BEARING AND DISTANCE
 130 OF SOUTH 10°16'36" EAST 247.84 FEET; THENCE SOUTH
 131 00°13'25" WEST, A DISTANCE OF 718.08 FEET TO THE POINT
 132 OF BEGINNING.

133
 134 CONTAINING 129.475 ACRES, MORE OR LESS.

135
 136 TOGETHER WITH NORTH RIVER RANCH - HAVAL FARMS:

137
 138 A TRACT OF LAND, BEING A PORTION OF MANATEE RIVER
 139 FARMS, UNIT 1, RECORDED IN PLAT BOOK 6, PAGE 45 OF THE
 140 PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING IN
 141 SECTIONS 7, 8, 9, 16, 17, 18, 19 AND 20, TOWNSHIP 33
 142 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING
 143 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

144
 145 BEGIN AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED
 146 SECTION 7; THENCE N.00°13'29"E., ALONG THE WEST LINE
 147 OF SECTION 7, A DISTANCE OF 1,809.08 FEET; THENCE
 148 N.90°00'00"E., A DISTANCE OF 272.18 FEET TO THE POINT
 149 OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS
 150 1,000.00 FEET AND A CENTRAL ANGLE OF 48°54'32"; THENCE

151 NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE
 152 OF 853.62 FEET TO THE POINT OF REVERSE CURVATURE OF A
 153 CURVE TO THE RIGHT HAVING A RADIUS OF 1,962.46 FEET
 154 AND A CENTRAL ANGLE OF 97°43'17"; THENCE EASTERLY
 155 ALONG THE ARC OF SAID CURVE, A DISTANCE OF 3,347.09
 156 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO
 157 THE LEFT HAVING A RADIUS OF 1,500.00 FEET AND A
 158 CENTRAL ANGLE OF 48°48'45"; THENCE SOUTHEASTERLY ALONG
 159 THE ARC OF SAID CURVE, A DISTANCE OF 1,277.91 FEET TO
 160 THE POINT OF TANGENCY OF SAID CURVE; THENCE
 161 N.90°00'00"E., A DISTANCE OF 1,220.57 FEET TO THE
 162 POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A
 163 RADIUS OF 1,100.00 FEET AND A CENTRAL ANGLE OF
 164 49°18'03"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID
 165 CURVE, A DISTANCE OF 946.51 FEET TO THE POINT OF
 166 REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A
 167 RADIUS OF 1,990.00 FEET AND A CENTRAL ANGLE OF
 168 108°30'13"; THENCE EASTERLY ALONG THE ARC OF SAID
 169 CURVE, A DISTANCE OF 3,768.56 FEET TO THE POINT OF
 170 REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A
 171 RADIUS OF 1,400.00 FEET AND A CENTRAL ANGLE OF
 172 67°34'16"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID
 173 CURVE, A DISTANCE OF 1,651.07 FEET TO THE POINT OF
 174 REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A
 175 RADIUS OF 1,000.00 FEET AND A CENTRAL ANGLE OF

176 44°28'10"; THENCE EASTERLY ALONG THE ARC OF SAID
 177 CURVE, A DISTANCE OF 776.14 FEET TO THE POINT OF
 178 TANGENCY OF SAID CURVE; THENCE S.53°53'56"E., A
 179 DISTANCE OF 509.73 FEET TO A POINT ON THE WESTERLY
 180 RIGHT-OF-WAY LINE OF U.S. 301; THENCE S.36°06'04"W., A
 181 DISTANCE OF 1,512.28 FEET; THENCE N.89°59'54"W., A
 182 DISTANCE OF 4,022.59 FEET; THENCE S.27°47'24"W., A
 183 DISTANCE OF 1,049.93 FEET; THENCE N.68°30'43"W., A
 184 DISTANCE OF 1,332.96 FEET; THENCE N.00°11'16"E., A
 185 DISTANCE OF 383.27 FEET; THENCE N.89°43'15"W., A
 186 DISTANCE OF 719.63 FEET; THENCE S.00°35'38" W., A
 187 DISTANCE OF 2,551.98 FEET TO THE POINT OF CURVATURE OF
 188 A CURVE TO THE RIGHT HAVING A RADIUS 795.00 FEET AND A
 189 CENTRAL ANGLE OF 48°08'26"; THENCE SOUTHWESTERLY ALONG
 190 THE ARC OF SAID CURVE, A DISTANCE OF 667.97 FEET TO
 191 THE POINT OF TANGENCY OF SAID CURVE; THENCE
 192 S.48°44'04" W., A DISTANCE OF 213.94 FEET TO THE POINT
 193 OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS
 194 1,355.00 FEET AND A CENTRAL ANGLE OF 33°22'52"; THENCE
 195 SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE
 196 OF 789.44 FEET; THE FOLLOWING FIVE (5) CALLS ARE ALONG
 197 THE NORTHERLY LINE OF A SPECIFIC PURPOSE SURVEY FOR
 198 TRACT 300FL-MA-010.000, PREPARED BY WILLBROS
 199 ENGINEERS, INC., AND DATED OCTOBER 12, 2015: 1)
 200 S.89°39'18"E., A DISTANCE OF 85.64 FEET; 2)

201 S.89°10'25"E., A DISTANCE OF 187.79 FEET; 3)
 202 S.89°53'48"E., A DISTANCE OF 1,364.36 FEET; 4)
 203 S.89°38'04"E., A DISTANCE OF 1,529.39 FEET; 5) THENCE
 204 N.89°48'54"E., A DISTANCE OF 969.28 FEET TO A POINT ON
 205 THE WEST LINE OF PARCEL DEEDED TO PEOPLES GAS SYSTEM;
 206 THENCE S.00°02'24"W., ALONG THE WESTERLY LINE OF SAID
 207 PARCEL, A DISTANCE OF 35.27 FEET TO THE SOUTH WEST
 208 CORNER OF SAID PARCEL; THENCE S.89°57'36"E., ALONG THE
 209 SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 60.00
 210 FEET TO A POINT ON A PARCEL AS DESCRIBED IN OFFICIAL
 211 RECORDS BOOK 2207, PAGE 6256, SAID PUBLIC RECORDS;
 212 THENCE ALONG SAID PARCEL FOR THE FOLLOWING TWO (2)
 213 CALLS; 1) S.00°02'21"W., A DISTANCE OF 24.79 FEET; 2)
 214 THENCE N.89°52'24"E., A DISTANCE OF 178.91 FEET TO THE
 215 NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301; THENCE
 216 SOUTHERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING
 217 THREE (3) COURSES: 1) S.36°06'04"W., A DISTANCE OF
 218 472.43 FEET; 2) S.36°04'53"W., A DISTANCE OF 916.03
 219 FEET TO THE P.C. OF A CURVE TO THE LEFT WHOSE RADIUS
 220 POINT LIES SOUTH 53°53'38"EAST, A DISTANCE OF 1977.86
 221 FEET; 3) SOUTHERLY ALONG THE ARC OF SAID CURVE ALSO
 222 BEING SAID RIGHT OF WAY LINE, A DISTANCE OF 971.94
 223 FEET THROUGH A CENTRAL ANGLE OF 28°09'21"; THENCE
 224 N.89°26'34"W., A DISTANCE OF 1,282.99 FEET; THENCE
 225 S.00°06'08"E., A DISTANCE OF 1,300.10 FEET; TO THE

226 NORTHERLY RIGHT OF WAY LINE OF MOCCASIN WALLOW RD;
 227 THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE
 228 THE FOLLOWING FIVE (5) COURSES: 1) N.88°54'18"W., A
 229 DISTANCE OF 1,334.91 FEET; 2) N.89°08'58"W., A
 230 DISTANCE OF 2,271.84 FEET; 3) N.89°07'49"W., A
 231 DISTANCE OF 328.34 FEET; 4) N.89°07'50"W., A DISTANCE
 232 OF 2,693.55 FEET; 5) N.88°01'42"W., A DISTANCE OF
 233 16.92 FEET TO THE WEST LINE OF ABOVE-MENTIONED SECTION
 234 19; THENCE N.00°08'36"E. ALONG SAID WEST LINE, A
 235 DISTANCE OF 2,578.91 FEET; THENCE N.00°08'15"E. THE
 236 WEST LINE OF ABOVE-MENTIONED SECTION 18., A DISTANCE
 237 OF 1,944.35 FEET; THENCE N.00°07'17"E. CONTINUE ALONG
 238 SAID WEST LINE, A DISTANCE OF 3,366.32 FEET TO THE
 239 POINT OF BEGINNING.

240
 241 CONTAINING 1,883.092 ACRES, MORE OR LESS.

242
 243 TOGETHER WITH CSPR LTD PROPERTY:

244
 245 A tract of land lying in the Southeast 1/4 of the
 246 Northwest 1/4 of Section 20, Township 33 South, Range
 247 19 East, Manatee County, Florida, being more
 248 particularly described as follows:

249
 250 COMMENCE at the northwest corner of said Section 20;

251 thence N.89°17'06"E., along the north line of the
252 Northwest 1/4 of said Section 20, a distance of
253 2,668.97 feet to the northeast corner of the Northwest
254 1/4 of said Section 20; thence N.89°51'05"E., along
255 the north line of the Northeast 1/4 of said Section
256 20, a distance of 648.05 feet to the intersection of
257 the north line of the Northeast 1/4 of said Section 20
258 and the westerly right-of-way line of U.S.301 (State
259 Road 43, Section 1302-203, 200 foot wide public right-
260 of-way); thence along said westerly right-of-way line
261 for the following two (2) calls: (1) thence
262 S.36°04'54"W., a distance of 571.88 feet to the point
263 of curvature of a non-tangent curve to the left,
264 having a radius of 1,977.86 feet and a central angle
265 of 28°06'24"; (2) thence southerly along the arc of
266 said curve, a distance of 970.25 feet, said curve
267 having a chord bearing and distance of S.22°00'13"W.,
268 960.55 feet to the POINT OF BEGINNING, said point
269 being the intersection of the north line of the
270 Southeast 1/4 of the Northwest 1/4 of said Section 20
271 and the west right-of-way line of said State Road 43
272 (Tamiami Trail), also being the point of curvature of
273 a non-tangent curve to the left, having a radius of
274 1,977.86 feet and a central angle of 07°58'33"; thence
275 along said west right-of-way line for the following

276 two (2) calls: (1) thence southerly along the arc of
277 said curve, a distance of 275.33 feet, said curve
278 having a chord bearing and distance of S.03°57'45"W.,
279 275.11 feet; (2) thence S.00°00'32"W., a distance of
280 885.97 feet to the point of curvature of a non-tangent
281 curve to the right having a radius of 50.00 feet and a
282 central angle of 45°46'25", said point being on the
283 north right-of-way line of Moccasin Wallow Road
284 (variable width public right-of-way) as recorded in
285 Official Records Instrument Number 202141163832 in the
286 Public Records of Manatee County, Florida; thence
287 along said north right-of-way line for the following
288 four (4) calls: (1) thence southwesterly along the
289 arc of said curve, a distance of 39.94 feet, said
290 curve having a chord bearing and distance of
291 S.22°51'40"W. 38.89 feet to the point of tangency of
292 said curve; (2) thence S.45°44'53"W., a distance of
293 27.20 feet to the point of curvature of a curve to the
294 right having a radius of 50.00 feet and a central
295 angle of 45°17'58"; (3) thence westerly along the arc
296 of said curve, a distance of 39.53 feet to the point
297 of tangency of said curve; (4) thence N.88°57'09"W., a
298 distance of 1,191.41 feet to a point on the west line
299 of the abovementioned Southeast 1/4 of the Northwest
300 1/4 of Section 20; thence N.00°06'08"W., along said

301 west line, a distance of 1,220.12 feet to the
 302 northwest corner of said Southeast 1/4 of the
 303 Northwest 1/4; thence S.89°26'34"E., along the north
 304 line of said Southeast 1/4 of the Northwest 1/4, a
 305 distance of 1,282.99 feet to the POINT OF BEGINNING.

306
 307 TOGETHER WITH DEER PARK:

308
 309 FROM THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 33
 310 SOUTH, RANGE 19 EAST, RUN S89°51'34"W ALONG THE NORTH
 311 LINE OF SAID SECTION 4, A DISTANCE OF 1332.62 FEET;
 312 THENCE S00°51'34"W ALONG THE WEST LINE OF THE
 313 NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4,
 314 A DISTANCE OF 1606.91 FEET; THENCE S88°29'32"E ALONG
 315 THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST
 316 1/4, A DISTANCE OF 1343.76 FEET; THENCE S00°30'38"W
 317 ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF
 318 1419.51 FEET; THENCE N89°40'11"E ALONG THE NORTH LINE
 319 OF LOTS 1 THROUGH 4, BLOCK 3, SECTION 3 OF MANATEE
 320 RIVER FARMS, UNIT 1 RECORDED IN PLAT BOOK 6, PAGE 45,
 321 A DISTANCE OF 1281.86 FEET; THENCE S00°10'07"W ALONG
 322 THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF GETTIS
 323 LEE ROAD, A DISTANCE OF 1240.19 FEET; THENCE
 324 S34°32'25"W ALONG THE NORTH WESTERLY RIGHT OF WAY OF
 325 U.S. 301, A DISTANCE OF 131.31 FEET TO THE P.C. OF A

326 CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N55°23'26"W
 327 A DISTANCE OF 22850.32 FEET; THENCE SOUTHWESTERLY
 328 ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING
 329 SAID NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301, A
 330 DISTANCE OF 598.22 FEET THROUGH A CENTRAL ANGLE OF
 331 01°30'00" TO THE POINT OF TANGENCY OF SAID CURVE;
 332 THENCE S36°06'34"W ALONG SAID NORTHWESTERLY RIGHT OF
 333 WAY LINE OF U.S. 301 A DISTANCE OF 308.86 FEET; THENCE
 334 N53°53'26"W A DISTANCE OF 800.00 FEET; THENCE
 335 S36°06'34"W A DISTANCE OF 660.00 FEET; THENCE
 336 N81°25'13"W A DISTANCE OF 11.45 FEET; THENCE
 337 S00°17'15"W A DISTANCE OF 470.00 FEET; THENCE
 338 N89°42'45"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF
 339 BUCKEYE ROAD, A DISTANCE OF 2974.88 FEET FOR A POINT
 340 OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHERLY
 341 RIGHT-OF- WAY N89°42'45"W A DISTANCE OF 1630.57 FEET;
 342 THENCE N00°17'14"E A DISTANCE OF 1287.99 FEET; THENCE
 343 S89°42'48"E ALONG THE SOUTH LINE OF TRACT 7, BLOCK 3,
 344 SECTION 4, MANATEE RIVER FARMS, UNIT 1, AS RECORDED IN
 345 PLAT BOOK 6, PAGE 45, A DISTANCE OF 328.11 FEET;
 346 THENCE N00°30'24"E ALONG THE EAST LINE OF SAID TRACT
 347 7, A DISTANCE OF 1300.85 FEET; THENCE S89°36'36"E
 348 ALONG THE SOUTH RIGHT OF WAY LINE OF A 60 FOOT PLATTED
 349 RIGHT OF WAY SHOWN ON SAID PLAT OF MANATEE RIVER
 350 FARMS, A DISTANCE OF 1297.48 FEET; THENCE S00°17'14"W

351 A DISTANCE OF 2586.52 FEET TO THE POINT OF BEGINNING.
 352
 353 LYING AND BEING IN SECTION 4, TOWNSHIP 33 SOUTH, RANGE
 354 19 EAST, MANATEE COUNTY, FLORIDA.
 355
 356 CONTAINING 87.00 ACRES MORE OR LESS
 357
 358 TOGETHER WITH A FORT HAMER ROAD NORTH-1A
 359
 360 A parcel of land in Section 8, Township 33 South,
 361 Range 19 East, Manatee County, Florida; being more
 362 particularly described as follows:
 363
 364 Commencing at the NW corner of said Section 8; thence
 365 S01°16'14"W, along the West line of said Section 8,
 366 3,644.49 feet; thence S88°43'46"E, perpendicular to
 367 said West line, 506.99 feet to the POINT OF BEGINNING;
 368 thence N00°00'00"E, 473.47 feet to the point of
 369 curvature of a curve to the right having a radius of
 370 1,560.00 feet and a central angle of 53°10'08"; thence
 371 Northeasterly along the arc of said curve 1,447.64
 372 feet; thence N53°10'08"E, 709.91 feet to the point of
 373 curvature of a curve to the right having a radius of
 374 1,560.00 feet and a central angle of 16°56'54"; thence
 375 Northeasterly along the arc of said curve 461.46 feet;

376 thence N70°07'03"E, 157.59 feet; thence S19°52'57"E,
 377 120.00 feet; thence S70°07'03"W, 157 .59 feet to the
 378 point of curvature of a curve to the left having a
 379 radius of 1,440.00 feet and a central angle of
 380 16°56'54": thence Southwesterly along the arc of said
 381 curve 425.96 feet; thence S53°10'08"W, 709.91 feet to
 382 the point of curvature of a curve to the left having a
 383 radius of 1,440.00 feet and a central angle of
 384 53°10'08": thence Southwesterly along the arc of said
 385 curve 1,336.28 feet; thence S00°00'00"E, 473.47 feet;
 386 thence S90°00'00"W, 120.00 feet to the POINT OF
 387 BEGINNING.

388
 389 Containing 381,196 square feet or 8.75 acres, more or
 390 less.

391
 392 TOGETHER WITH A PORTION OF FORT HAMER ROAD CONTAINED
 393 IN THE PLAT OF "PROSPERITY LAKES, PHASE 1, SUBPHASE
 394 1A", RECORDED IN PLAT BOOK 75, PAGE 90, CONNECTING THE
 395 NORTHERLY END OF FORT HAMER ROAD NORTH-1A, DESCRIBED
 396 HEREIN, TO THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE
 397 OF BUCKEYE ROAD.

398
 399 TOGETHER WITH THAT PORTION OF THE MAINTAINED RIGHT-OF-
 400 WAY LINE OF BUCKEYE ROAD, A PUBLIC MAINTAINED RIGHT-

401 OF-WAY, LYING BETWEEN THE WESTERLY LINE OF FORT HAMER
 402 ROAD AS SHOWN ON THE PLAT OF PROSPERITY LAKES, PHASE
 403 1, SUBPHASE 1A, DESCRIBED ABOVE AND THE EASTERLY LINE
 404 OF DEER PARK AS DESCRIBED HEREIN.

405
 406 LESS AND EXCEPT THE FOLLOWING PROPERTY DESCRIBED AS
 407 FOLLOWS:

408
 409 A tract of land lying in Section 19, Township 33
 410 South, Range 19 East, Manatee County, Florida, being a
 411 portion of Lots 4, 5, and 6, Block 4, Plat Book 6,
 412 Page 45 of the Public Records of Manatee County,
 413 Florida, being more particularly described as follows:

414
 415 BEGIN at the southeast corner of Tract 304 as shown on
 416 the plat of Morgan's Glen Townhomes, Phases IIIA &
 417 IIIB, in Plat Book 69, Page 90 of the Public Records
 418 of Manatee County, Florida, said point also being on
 419 the south right-of-way line of Moccasin Wallow Road
 420 (variable width public right-of-way) as recorded in
 421 Official Instrument Number 202140157633, in said
 422 Public Records; thence S.89°08'58"E., along said south
 423 right-of-way line of Moccasin Wallow Road, a distance
 424 of 861.89 feet to the point of curvature of a curve to
 425 the right having a radius of 50.00 feet and a central

426 angle of $89^{\circ}08'58''$; thence southeasterly along the arc
427 of said curve, a distance of 77.80 feet to the point
428 of tangency of said curve, said point being on the
429 west right-of-way line of Fort Hamer Road (variable
430 width public right-of-way) as recorded in Official
431 Records Instrument Number 202141023579 in said Public
432 Records; thence along said west & westerly right-of-
433 way line of Fort Hamer Road for the following four (4)
434 calls: (1) thence $S.00^{\circ}00'00''E.$, a distance of 307.60
435 feet to the point of curvature of a curve to the left
436 having a radius of 1,060.00 feet and a central angle
437 of $01^{\circ}05'53''$; (2) thence southerly along the arc of
438 said curve, a distance of 20.31 feet to the end of
439 said curve; (3) thence $S.88^{\circ}54'07''W.$, radial to the
440 last stated curve, a distance of 4.00 feet to the
441 point of curvature of a non-tangent curve to the left,
442 having a radius of 1,064.00 feet and a central angle
443 of $14^{\circ}19'51''$; (4) thence southerly along the arc of
444 said curve, a distance of 266.13 feet, said curve
445 having a chord bearing and distance of $S.08^{\circ}15'49''E.$,
446 265.44 feet, to the end of said curve; thence
447 $S.74^{\circ}34'15''W.$, radial to the last stated curve, a
448 distance of 41.60 feet to the point of curvature of a
449 non-tangent curve to the right, having a radius of
450 325.00 feet and a central angle of $26^{\circ}27'04''$, said

451 point being a corner on the north line of the
452 abovementioned Morgan's Glen Townhomes, Phases IIIA &
453 IIIB; thence along said north, northerly and east
454 line of Morgan's Glen Townhomes for the following
455 sixteen (16) calls: (1) thence westerly along the arc
456 of said curve, a distance of 150.04 feet, said curve
457 having a chord bearing and distance of N.89°01'47"W.,
458 148.71 feet, to the point of tangency of said curve;
459 (2) thence N.75°48'14"W., a distance of 215.79 feet;
460 (3) thence N.89°03'11"W., a distance of 268.51 feet;
461 (4) thence S.85°25'13"W., a distance of 21.32 feet to
462 the point of curvature of a non-tangent curve to the
463 left, having a radius of 325.00 feet and a central
464 angle of 07°17'27"; (5) thence northerly along the arc
465 of said curve, a distance of 41.36 feet, said curve
466 having a chord bearing and distance of N.03°28'24"E.,
467 41.33 feet, to the point of tangency of said curve;
468 (6) thence N.00°10'19"W., a distance of 87.86 feet to
469 the point of curvature of a curve to the left having a
470 radius of 175.00 feet and a central angle of
471 22°03'13"; (7) thence northerly along the arc of said
472 curve, a distance of 67.36 feet to the point of
473 tangency of said curve; (8) thence N.22°13'32"W., a
474 distance of 130.77 feet to the point of curvature of a
475 non-tangent curve to the left, having a radius of

476 | 175.00 feet and a central angle of 04°23'01"; (9)
 477 | thence southwesterly along the arc of said curve, a
 478 | distance of 13.39 feet, said curve having a chord
 479 | bearing and distance of S.66°09'33"W., 13.39 feet, to
 480 | the point of reverse curvature of a curve to the right
 481 | having a radius of 175.00 feet and a central angle of
 482 | 25°51'38"; (10) thence westerly along the arc of said
 483 | curve, a distance of 78.99 feet to the point of
 484 | tangency of said curve; (11) thence S.89°49'41"W., a
 485 | distance of 62.29 feet to the point of curvature of a
 486 | curve to the right having a radius of 50.00 feet and a
 487 | central angle of 46°11'00"; (12) thence northwesterly
 488 | along the arc of said curve, a distance of 40.30 feet
 489 | to the point of tangency of said curve; (13) thence
 490 | N.43°59'19"W., a distance of 45.26 feet to the point
 491 | of curvature of a curve to the right having a radius
 492 | of 50.00 feet and a central angle of 43°49'00"; (14)
 493 | thence northerly along the arc of said curve, a
 494 | distance of 38.24 feet to the point of tangency of
 495 | said curve; (15) thence N.00°10'19"W., a distance of
 496 | 196.36 feet to the point of curvature of a curve to
 497 | the right, having a radius of 35.00 feet and a central
 498 | angle of 91°01'19"; (16) thence northeasterly along
 499 | the arc of said curve, a distance of 55.60 feet to the
 500 | POINT OF BEGINNING.

501
 502 CONTAINING 11.473 ACRES, MORE OR LESS.

503
 504 LESS AND EXCEPT: (SCHOOL SITE)

505
 506 DESCRIPTION (as prepared by the certifying Surveyor
 507 and Mapper):

508
 509 DESCRIPTION: A parcel of land being,
 510
 511 A portion of Lots 10, 11, 12, 13, 14 & 15, Block 4 and
 512 the 30 foot half right-of-way lying South of and
 513 adjacent to said Lots 10 through 15 Block 4, according
 514 to the plat of MANATEE RIVER FARMS UNIT NO. 1, as
 515 recorded in Plat Book 6, Page 45, of the Public
 516 Records of Manatee County, Florida, lying in Section
 517 7, Township 33 South, Range 19 East, Manatee County
 518 Florida;

519
 520 A portion of Lots 3, 4, 5, 6 & 7, Block 1 and the 30-
 521 foot half right-of-way lying North of and adjacent to
 522 said Lots 3 through 7, Block 1, according to said plat
 523 of MANATEE RIVER FARMS UNIT NO. 1, lying in Section
 524 18, Township 33 South, Range 19 East, Manatee County,
 525 Florida;

526
 527 ALL of the above said right-of-way now being vacated
 528 by Book 286, Page 27, of the Public Records of Manatee
 529 County, Florida;

530
 531 And said parcel being more particularly described as
 532 follows:

533
 534 COMMENCE at the Southwest corner of said Section 7,
 535 run thence along the South boundary of said Section 7,
 536 S.89°43'08"E., 3266.50 feet to the POINT OF BEGINNING;
 537 thence N.19°10'00"E., 402.84 feet; thence
 538 N.89°08'18"E., 3.71 feet to a point of curvature;
 539 thence Northeasterly, 33.19 feet along the arc of a
 540 curve to the left having a radius of 30.00 feet and a
 541 central angle of 63°23'08" (chord bearing
 542 N.57°26'44"E., 31.52 feet) to a point of tangency;
 543 thence N.25°45'10"E., 20.31 feet; thence
 544 N.50°46'08"E., 75.16 feet to a point of curvature;
 545 thence Northeasterly, 21.84 feet along the arc of a
 546 curve to the left having a radius of 30.00 feet and a
 547 central angle of 41°42'15" (chord bearing
 548 N.29°55'01"E., 21.36 feet) to a point of tangency;
 549 thence N.09°03'54"E., 35.46 feet; thence
 550 N.11°20'49"E., 64.54 feet; thence N.35°15'05"E., 24.52

551 feet; thence N.50°06'46"E., 53.93 feet; thence
 552 N.64°39'09"E., 11.57 feet; thence N.79°16'07"E., 78.67
 553 feet; thence N.63°44'04"E., 35.70 feet; thence
 554 S.88°35'46"E., 19.06 feet; thence S.26°26'07"E., 41.61
 555 feet to a point of curvature; thence Southeasterly,
 556 27.15 feet along the arc of a curve to the left having
 557 a radius of 30.00 feet and a central angle of
 558 51°51'30" (chord bearing S.52°21'52"E., 26.24 feet) to
 559 a point of tangency; thence S.78°17'37"E., 85.17 feet;
 560 thence S.80°41'49"E., 44.15 feet to a point of
 561 curvature; thence Easterly, 10.53 feet along the arc
 562 of a curve to the left having a radius of 30.00 feet
 563 and a central angle of 20°06'41" (chord bearing
 564 N.89°14'50"E., 10.48 feet) to a point of tangency;
 565 thence N.79°11'30"E., 52.90 feet to a point of
 566 curvature; thence Northeasterly, 34.88 feet along the
 567 arc of a curve to the left having a radius of 30.00
 568 feet and a central angle of 66°36'34" (chord bearing
 569 N.45°53'13"E., 32.95 feet) to a point of tangency;
 570 thence N.12°34'56"E., 97.11 feet to a point of
 571 curvature; thence Northerly, 34.15 feet along the arc
 572 of a curve to the left having a radius of 30.00 feet
 573 and a central angle of 65°13'07" (chord bearing
 574 N.20°01'38"W., 32.33 feet) to a point of tangency;
 575 thence N.52°38'11"W., 46.37 feet; thence

576 N.15°41'16"W., 27.91 feet; thence S.66°00'00"E.,
 577 630.66 feet; thence S.12°30'00"W., 17.57 feet; thence
 578 S.77°30'00"E., 50.00 feet to a point on a curve;
 579 thence Northeasterly, 39.71 feet along the arc of a
 580 curve to the right having a radius of 25.00 feet and a
 581 central angle of 91°00'11" (chord bearing
 582 N.58°00'06"E., 35.66 feet) to a point of compound
 583 curvature; thence Southeasterly, 132.20 feet along the
 584 arc of a curve to the right having a radius of 325.00
 585 feet and a central angle of 23°18'24" (chord bearing
 586 S.64°50'37"E., 131.29 feet); thence S.12°30'00"W.,
 587 537.17 feet; thence N.72°54'10"W., 22.06 feet; thence
 588 N.63°24'34"W., 37.89 feet; thence N.78°21'04"W., 49.00
 589 feet; thence N.50°50'22"W., 28.47 feet to a point of
 590 curvature; thence Westerly, 18.77 feet along the arc
 591 of a curve to the left having a radius of 30.00 feet
 592 and a central angle of 35°51'27" (chord bearing
 593 N.68°46'06"W., 18.47 feet) to a point of tangency;
 594 thence N.86°41'49"W., 58.05 feet to a point of
 595 curvature; thence Westerly, 19.43 feet along the arc
 596 of a curve to the left having a radius of 30.00 feet
 597 and a central angle of 37°06'12" (chord bearing
 598 S.74°45'05"W., 19.09 feet) to a point of tangency;
 599 thence S.56°11'59"W., 46.70 feet; thence
 600 S.49°18'22"W., 72.17 feet; thence S.48°23'46"W., 59.60

601 feet to a point of curvature; thence Southerly, 27.35
 602 feet along the arc of a curve to the left having a
 603 radius of 30.00 feet and a central angle of 52°13'35"
 604 (chord bearing S.22°16'58"W., 26.41 feet) to a point
 605 of tangency; thence S.03°49'49"E., 38.63 feet; thence
 606 S.19°41'18"E., 56.06 feet; thence S.15°01'02"W., 14.21
 607 feet; thence S.16°08'17"E., 65.79 feet to a point of
 608 curvature; thence Southeasterly, 27.33 feet along the
 609 arc of a curve to the left having a radius of 30.00
 610 feet and a central angle of 52°11'35" (chord bearing
 611 S.42°14'05"E., 26.39 feet) to a point of tangency;
 612 thence S.68°19'52"E., 29.67 feet; thence
 613 S.54°10'07"E., 36.26 feet; thence S.47°41'06"E., 15.13
 614 feet; thence S.00°27'42"W., 94.40 feet to a point on a
 615 curve; thence Westerly, 185.23 feet along the arc of a
 616 curve to the left having a radius of 1242.00 feet and
 617 a central angle of 08°32'43" (chord bearing
 618 S.82°16'21"W., 185.06 feet) to a point of tangency;
 619 thence S.78°00'00"W., 351.41 feet; thence
 620 N.88°30'15"W., 34.28 feet; thence S.78°00'00"W.,
 621 211.90 feet; thence S.12°00'00"E., 8.00 feet; thence
 622 S.78°00'00"W., 58.00 feet to a point of curvature;
 623 thence Westerly, 142.83 feet along the arc of a curve
 624 to the right having a radius of 958.00 feet and a
 625 central angle of 08°32'33" (chord bearing

626 S.82°16'17"W., 142.70 feet); thence N.03°27'27"W.,
 627 37.62 feet; thence N.27°26'28"E., 76.25 feet; thence
 628 N.08°18'51"W., 73.08 feet; thence N.61°17'30"W., 43.38
 629 feet; thence N.00°53'48"W., 24.43 feet; thence
 630 N.10°56'36"E., 51.19 feet; thence N.18°43'00"W., 65.69
 631 feet; thence N.31°25'11"W., 63.53 feet; thence
 632 S.87°32'38"W., 46.18 feet; thence N.70°48'09"W., 23.45
 633 feet; thence N.70°13'37"E., 23.07 feet; thence
 634 N.40°29'00"E., 27.73 feet; thence N.20°11'23"E., 52.12
 635 feet; thence N.20°50'42"W., 51.06 feet; thence
 636 N.36°27'14"W., 70.41 feet; thence N.19°10'00"E., 51.61
 637 feet to the POINT OF BEGINNING.

638
 639 Containing 30.000 acres, more or less.

640
 641 CONTAINING A TOTAL AREA OF 2,113.21 ~~2,001.094~~ ACRES,
 642 MORE OR LESS.

643
 644 Being subject to any rights-of-way, restrictions, and
 645 easements of record.

646
 647 Section 2. This act shall take effect upon becoming a law.