

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

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

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Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/SB 712

INTRODUCER: Community Affairs Committee and Senator Grall

SUBJECT: Construction Regulations

DATE: April 14, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 712 contains a variety of provisions related to construction and development. The bill:

- Requires the Department of Environmental Protection (DEP) to adopt standards for the installation of synthetic turf on residential property and prohibits local governments from adopting regulations inconsistent with those.
- Requires local governments to approve or deny change orders from their contractors within 30 days.
- Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders in the bidding process for public works projects.
- Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.
- Adds surveillance cameras to the scope of certification for alarm system contractors;
- Requires that standards for mass timber as construction materials be amended to the Florida Building Code.
- Exempts systems and equipment on spaceport territory involved in space launch vehicles, payloads, or spacecraft from the Building Code.

The bill has no impact on state revenue or expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Synthetic Turf

Synthetic turf, also known as “artificial grass,” is a surface that closely replicates the look and feel of natural grass. Synthetic turf is a type of landscaping that eliminates the potentially unpredictable growth of natural grass.<sup>1</sup> Current law prohibits homeowners’ associations from restricting property owners or their tenants from installing, displaying, or storing synthetic turf that is not visible from the parcel’s frontage or an adjacent parcel.<sup>2</sup> However, there is no law restricting local governments from regulating synthetic turf.

### Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>3</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>4</sup> Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>5</sup>

### Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.<sup>6</sup>

Where state preemption applies, a local government may not exercise authority in that area.<sup>7</sup> Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.<sup>8</sup>

### Prompt Payments for Public Construction Contracts

Contracts between local governments and private contractors for construction of public projects are subject to prompt payment requirements. The Local Government Prompt Payment Act<sup>9</sup>

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<sup>1</sup> Kevin Sullivan, *Artificial Turf 101: A Comprehensive Guide to Synthetic Grass*, Turf Network Directory & Information Hub, available at <https://turfnetwork.org/artificial-turf-101/> (last visited Mar. 26, 2025).

<sup>2</sup> Section 720.3045, F.S.

<sup>3</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>4</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>5</sup> Art. VIII, s. 2(b); *see also* Section 166.021(1), F.S.

<sup>6</sup> Preemption Definition, Black’s Law Dictionary (12th ed. 2024).

<sup>7</sup> *D’Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

<sup>8</sup> *See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

<sup>9</sup> Part VII, Ch. 218, F.S.

provides for timely payment by local governmental entities<sup>10</sup> to construction contractors.<sup>11</sup> The collection of statutes provides timelines for payment, schedules for interest on late payments, and dispute resolution processes.<sup>12</sup>

### ***Change Orders***

A “change order” is an amendment to a construction contract that changes the contractor’s scope of work. Most change orders modify the work required by the contract or adjust the amount of time the contractor has to complete the work, or both.<sup>13</sup>

### **Competitive Solicitation of Construction Services**

Current law specifies construction services procurement procedures for public property and public owned buildings.<sup>14</sup> The Department of Management Services (DMS) is responsible for establishing by rule procedures to:<sup>15</sup>

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.<sup>16</sup>
- Award each state agency construction project to the lowest qualified bidder.<sup>17</sup>
- Govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.<sup>18</sup>
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.<sup>19</sup>

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.<sup>20</sup> A county, municipality, special district, or other political subdivision seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000.<sup>21</sup>

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<sup>10</sup> A county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof. Section 218.72(5), F.S.

<sup>11</sup> A contractor is one who contracts directly with a local government to provide construction services. Section 218.72(3), F.S.

<sup>12</sup> Section 218.71, F.S.

<sup>13</sup> Luke J. Farley, Sr., *Construction 101: The Basics of Change Orders*, American Bar Association (October 8, 2018)

[https://www.americanbar.org/groups/construction\\_industry/publications/under\\_construction/2018/fall/construction-101/](https://www.americanbar.org/groups/construction_industry/publications/under_construction/2018/fall/construction-101/) (last visited Mar. 26, 2025).

<sup>14</sup> See ch. 255, F.S.

<sup>15</sup> Section 255.29, F.S.

<sup>16</sup> Rules 60D-5.004 and F.A.C.

<sup>17</sup> Rule 60D-5.007, F.A.C.

<sup>18</sup> Rule 60D-5.008, F.A.C.

<sup>19</sup> Rule 60D-5.0082, F.A.C.

<sup>20</sup> See s. 255.0525, F.S.; see also Rules 60D-5.002 and 60D-5.0073, F.A.C.

<sup>21</sup> Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over \$75,000.

### **Prohibited Local Government Preferences in Contracts for Construction Services**

In a competitive solicitation<sup>22</sup> for construction services that is paid for with state-appropriated funds, a local government may not use a local ordinance or regulation that provides a preference based upon a contractor, subcontractor, or material supplier or carrier:<sup>23</sup>

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

A local government that will use state-appropriated funds to pay for construction services must disclose in the solicitation document that any of the aforementioned preferences will be prohibited.<sup>24</sup>

### **Public Works Projects**

A public works project is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.<sup>25</sup>

### ***Prohibited Local Government Preferences in Public Works Projects***

Except as required by federal or state law, the state or any political subdivision<sup>26</sup> that contracts for a public works project may not:<sup>27</sup>

- Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the headquarters or offices of the party, unless the local government is the sole source of funding for the project;
- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:
  - Pay employees a predetermined amount of wages or prescribe any wage rate;
  - Provide employees a specified type, amount, or rate of employee benefits;
  - Control, limit, or expand staffing; or
  - Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is able to perform the work described and is qualified, licensed, or certified as required by state law.

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<sup>22</sup> “Competitive solicitation” means an invitation to bid, a request for proposals, or an invitation to negotiate. Section 255.248, F.S.

<sup>23</sup> Section 255.0991(2), F.S.

<sup>24</sup> Section 255.0991(3), F.S.

<sup>25</sup> Section 255.0992(1)(b), F.S.

<sup>26</sup> “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works. *See* s. 255.0992(1)(a), F.S.

<sup>27</sup> Section 255.0992, F.S.

### **Enforcement of the Florida Building Code: Permits**

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.<sup>28</sup> Authorized state and local government agencies enforce the Florida Building Code and issue building permits.<sup>29</sup>

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>30</sup> A local building department or enforcement agency must post each type of building permit application on its website.<sup>31</sup> Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.<sup>32</sup>

A local government may not require a contract between a builder and an owner for the issuance of a building permit, or as a requirement for the submission of a building permit application.<sup>33</sup>

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

**Section 1** creates s. 125.572, F.S., to direct the DEP to adopt minimum standards for the installation of synthetic turf on single-family residential properties one acre or less in size. These standards must take into account material type, permeability, stormwater management, potable water conservation, water quality, proximity to vegetation, and other environmental conditions.

Upon the adoption of such standards, the section prohibits local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf on his or her land that complies with these standards.

The section also prohibits a local government from adopting or enforcing any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent to the standards adopted.

The term "synthetic turf" is defined to mean "a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas."

The bill directs the DEP to adopt rules to implement the section.

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<sup>28</sup> Section 553.72(2), F.S.

<sup>29</sup> See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

<sup>30</sup> See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

<sup>31</sup> Section 553.79(1)(b), F.S.

<sup>32</sup> Section 105.3, 2023 Florida Building Code.

<sup>33</sup> Section 553.79(1)(f), F.S.

**Section 2** creates s. 218.755, F.S., to provide that if a local government receives a price quote for a change order from its contractor, which meets all statutory and contractual requirements, the local government must provide written notice to the contractor approving or denying the price quote within 30 days.

If a local government denies the price quote, the written notice must specify the alleged deficiencies in the quote and list the actions necessary to remedy the deficiencies. If a local government fails to provide such information in the written denial notice then it is liable to the contractor for any additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order.

A contract between a local government and a contractor may not alter these provisions.

**Section 3** amends s. 255.0992, F.S., to provide that the state or any political subdivision which contracts for public works may not penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

**Section 4** amends s. 489.505, F.S., to include surveillance cameras in the scope of work used to define certified alarm system contractors. Specifically, the bill provides that the scope of certification for alarm system contractors newly includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts, when those items are for the purpose of providing surveillance cameras.

**Section 5** amends s. 553.73, F.S., to provide that, by January 1, 2026, or the next update of the Florida Building Code (currently scheduled for the end of 2026), the Florida Building Commission must amend the Florida Building Code to be consistent with the International Building Code provisions recognizing tall mass timber as allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.<sup>34</sup>

The section also provides total exemption from the Florida Building Code for any system or equipment, whether affixed or movable, which is located on property within a spaceport territory,<sup>35</sup> and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

**Section 6** amends s. 553.79, F.S., to provide that a local enforcement agency may not require a copy of a contract between a builder and an owner or any ancillary documents such as letters of

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<sup>34</sup> Mass timber is a category of engineered wood products designed to be strong and fire-resistant enough for use in large-scale construction. The International Building Code maintains regulations specifying fire-resistance ratings, maximum heights and floor areas for construction using mass timber products, and classification of construction types using mass timber.

<sup>35</sup> Section 331.304, F.S., provides areas that are designated as spaceport territory. The list includes Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Eglin Air Force Base, Cecil Airport in Duval County, Homestead Air Force Base, Tyndall Air Force Base, and certain other properties.

intent, material costs lists, labor costs, or overhead or profit statements, as a requirement to apply for or receive a building permit.

The bill takes effect July 1, 2025.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Requiring local governments to process change orders within 30 days may lead to a decrease in construction time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 255.0992, 489.505, 553.73, 553.79, and 497.271.

This bill creates the following sections of the Florida Statutes: 125.572 and 218.755.

**IX. Additional Information:**

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

**CS by Community Affairs on March 31, 2025:**

The committee substitute:

- Revises the turf preemption to require that the Department of Environmental Protection adopt standards for installation on residential properties smaller than one acre. The general preemption takes effect when those standards are adopted.
- Introduces three new subjects to the bill: adding surveillance cameras to the scope of certification for certified alarm system contractors; requiring that the Florida Building Commission include certain standards for mass timber in the Florida Building Code; and exempting systems and equipment involved in the launch of spacecraft from the Florida Building Code.

- B. **Amendments:**

None.