

Committee on Judiciary

CS/HB 1 — Online Protections for Minors

by Judiciary Committee and Reps. Sirois, McFarland, Rayner, and others (CS/SB 1788 by Judiciary Committee and Senators Grall and Garcia)

The bill requires regulated social media platforms to prohibit minors younger than 16 years of age from having accounts with them. Regulated social media platforms include those using algorithms to select content for or using addictive features on persons younger than 16 years of age. With respect to existing accounts belonging to minors younger than 16, the bill requires social media platforms to terminate them, and also allows the account holders or their parents or guardians to terminate them. Social media platforms must permanently delete all personal information held by them relating to terminated accounts unless otherwise required by law to maintain the personal information.

The bill also requires commercial entities that knowingly and intentionally publish or distribute material harmful to minors on a website or application to prohibit access to such material by any person younger than 18 years of age, if their website or application contains a substantial portion of material that is harmful to minors. Material harmful to minors are materials that appeal to the prurient interest, depict or describe sexual conduct in a patently offensive manner, and lack serious literary, political, or scientific value for minors.

Regulated social media platforms and commercial entities must use reasonable age verification methods to verify that the age of a person attempting to access the regulated social media platform or material harmful to minors satisfies the bill's age requirements. The reasonable age verification method must be conducted by a nongovernmental, independent third party organized under the laws of a state of the U.S., and any information used to verify age must be deleted once the age is verified.

These provisions were vetoed by the Governor on March 1, 2024.

Vote: Senate 23-14; House 108-7

Committee on Judiciary

CS/CS/HB 3 — Online Protections for Minors

by Judiciary Committee; Regulatory Reform & Economic Development Subcommittee; and Reps. Tramont, Overdorf, Sirois, McFarland, Rayner, and others (CS/SB 1792 by Judiciary Committee and Senators Grall and Garcia)

The bill requires regulated social media platforms to prohibit minors younger than 14 years of age from entering into contracts with social media platforms to become account holders. It allows minors who are 14 or 15 years of age to become account holders, but only with the consent of a parent or guardian. Social media platforms are regulated under the bill if they:

- Allow users to upload content or view the content or activity of other users.
- Satisfy certain daily active user metrics identified in the bill.
- Employ algorithms that analyze user data or information on users to select content for users.
- Have certain addictive features.

With respect to all accounts belonging to minors younger than 14, and to those accounts belonging to minors who are 14 or 15 years of age but for whom parents or guardians have not provided consent, the bill requires regulated social media platforms to terminate them and also allows the account holders or their parents or guardians to terminate them. Social media platforms must permanently delete all personal information held by them relating to terminated accounts unless otherwise required by law to maintain the personal information.

The bill also requires regulated commercial entities that knowingly and intentionally publish or distribute material harmful to minors on a website or application to prohibit access to such material by any person younger than 18 years of age, if their website or application contains a substantial portion of material that is harmful to minors. Such commercial entities must verify, using either an anonymous or standard age verification method, that the age of a person attempting to access the material harmful to minors satisfies the bill's age requirements. If an anonymous age verification method is used, the verification must be conducted by a nongovernmental, independent third party organized under the laws of a state of the U.S. Any information used to verify age must be deleted once the age is verified.

Regulated social media platforms, commercial entities, and third parties performing age verification for commercial entities that knowingly and recklessly violate the bill's requirements are subject to enforcement under the Florida Deceptive and Unfair Trade Practices Act. The Department of Legal Affairs may collect civil penalties of up to \$50,000 per violation, reasonable attorney fees and court costs, and (under certain conditions) punitive damages. Account holders who are minors may also pursue up to \$10,000 in damages.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 30-5; House 109-4

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 73 — Supported Decisionmaking Authority

by Reps. Tant, Koster, and others (SB 446 by Senators Simon and Harrell)

The bill explicitly incorporates the concepts of supported decision-making (SDM) and SDM agreements into state law. SDM is a tool that allows people with disabilities to retain their decision-making capacity by choosing supporters to help them make choices, instead of relying upon court-appointed guardians or guardian advocates to make choices for them.

In summary, the bill:

- Amends the statute governing the appointment of guardian advocates for persons with developmental disabilities to require:
- Courts to consider the specific needs and abilities of individuals when delegating decision-making tasks.
- Petitions and court orders to identify and assess the sufficiency of guardian advocacy alternatives like SDM.
- Amends the powers of attorney statute to authorize the granting of SDM agreements as a form of a power of attorney.
- Creates a statute defining, authorizing, and regulating SDM agreements.
- Amends statutes governing adjudications of incapacity and the appointment of guardians to:
- Require petitions to state whether alleged incapacitated persons use assistance, including SDM, and if so, why it is insufficient for them to exercise their rights.
- Authorize examining committee members to facilitate, when requested by appointed counsel, communication between supporters and allegedly incapacitated persons.
- Clarify that suggestions of capacity must address whether the ward has the ability to exercise removed rights on his or her own or with appropriate assistance.
- Amends the statute regulating the development of an IEP (i.e., an individual education plan) for the purpose of accommodating students with disabilities in public schools, to include SDM agreements as one method by which students may provide informed consent to allow his or her parents to continue to participate in educational decisions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 117-0

Committee on Judiciary

CS/CS/CS/SB 86 — Hope Cards for Persons Issued Orders of Protection

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Book, Polsky, and Yarborough

The bill requires the clerks of the court to create the Hope Card program for persons issued an injunction for protection against domestic violence; repeat violence, dating violence, and sexual violence; stalking and cyberstalking; or exploitation of a vulnerable adult. Under the program, the Clerks will issue Hope Cards, which identify and describe the person who is restrained by an order of protection, identify those protected by the order, and provide the telephone number for the statewide domestic violence hotline. These cards must be issued on a credit-card sized laminated card or in digital form, without cost to the protected person. Displaying the card is expected to facilitate the law enforcement response to a violation of the order.

The bill also prohibits a person from misusing a Hope Card to wrongfully claim that he or she is protected by an order of protection. A person who misuses a Hope Card in this manner commits a second degree misdemeanor.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 35-0; House 113-0

Committee on Judiciary

CS/HB 117 — Disclosure of Grand Jury Testimony

by Criminal Justice Subcommittee and Rep. Gossett-Seidman and others (CS/CS/SB 234 by Rules Committee; Judiciary Committee; and Senators Polsky and Martin)

The bill (Chapter 2024-7, L.O.F.) amends the statute that generally prohibits the disclosure of testimony or evidence received by a grand jury. Currently, there are three exceptions to the general prohibition: ascertaining whether the testimony is consistent with the testimony given by a witness before the court, determining whether a witness is guilty of perjury, or furthering justice.

The bill amends the third exception of “furthering justice” by expanding that concept to include furthering a public interest when the disclosure of testimony is requested by the media or an interested person. The testimony may be disclosed if:

- The subject of the grand jury inquiry is deceased.
- The grand jury inquiry related to criminal or sexual activity between the subject of the grand jury investigation and a person who was a minor at the time of the alleged criminal or sexual activity.
- The testimony was previously disclosed by a court order.
- The state attorney has provided notice of the request.

Even if these four conditions are met, the court may limit the disclosure of testimony, which may include redacting parts of the testimony.

The bill also adds the custodian of a grand jury record to the list of persons in statute who may not disclose the testimony of a witness examined before the grand jury or other evidence received by the grand jury.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 37-0; House 119-0

Committee on Judiciary

SB 158 — Value of Motor Vehicles Exempt from Legal Process

by Senator Polsky

The bill increases from \$1,000 to \$5,000, the maximum value of a debtor's motor vehicle that is exempt from attachment, garnishment, or other legal process. The \$1,000 amount was established in 1993 and has not been increased since then.

According to the U.S. Bureau of Labor Statistics Consumer Price Index Inflation Calculator, \$1,000 in October 1993 is the equivalent of \$2,107.42 in November 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 37-0; House 112-0

Committee on Judiciary

HB 187 — Antisemitism

by Reps. Gottlieb, Fine, and others (CS/SB 148 by Judiciary Committee and Senators Berman, Pizzo, Book, Calatayud, Yarborough, Polsky, and Rodriguez)

The bill creates s. 1.015, F.S., which defines “antisemitism” based on the working definition developed and adopted by the International Holocaust Remembrance Alliance (IHRA). Under the bill, antisemitism means:

[A] certain perception of Jewish individuals which may be expressed as hatred toward such individuals. Rhetorical and physical manifestations of antisemitism are directed toward Jewish and non-Jewish individuals and their property and toward Jewish community institutions and religious facilities.

The bill includes contemporary examples of antisemitism, and states that the purpose of the definition is to “assist in the monitoring and reporting of anti-Semitic hate crimes and discrimination and to make residents aware of and to combat such incidents in this state.”

The bill also provides that the term “antisemitism” does not include criticism of Israel that is similar to criticism of any other country, and that its provisions may not be construed to diminish or infringe upon any right protected under the First Amendment to the U.S. Constitution or to conflict with federal or state antidiscrimination laws.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 115-0

Committee on Judiciary

CS/CS/HB 271 — Motor Vehicle Parking on Private Property

by State Affairs Committee; Local Administration, Federal Affairs & Special Districts Subcommittee; and Reps. Lopez, V., Busatta Cabrera, and others (CS/CS/SB 388 by Rules Committee; Judiciary Committee; and Senator Garcia)

The bill amends s. 715.075, F.S., which authorizes the owners and operators of privately-owned parking facilities to establish rules and rates in connection with their use by consumers, in order to incorporate several consumer protection measures.

Under the bill, such owners and operators must place signage that is legible and clearly visible to persons entering the area used for motor vehicle parking. The signage must state that the property is not operated by a governmental entity, list the rates for parking charges for violating the rules of the property owner or operator, provide a working phone number and an e-mail address to receive inquiries and complaints, and provide notice of the grace period and appeal process provided by the bill.

Invoices for parking violations must be placed on the motor vehicle in a prominent location or be mailed within 5 business days after any violation. Owners or operators may not assess late fees until expiration of the 15-day period following the denial of any appeal filed or for at least 30 days after the invoice is placed on the vehicle or the postmarked date of any mailed invoice, whichever is later. Invoices must include a method to dispute and appeal the invoice. The dispute must be filed within 15 days after the invoice is placed on the vehicle or the postmarked date of any mailed invoice. The parking lot owner or operator then has 5 business days to render a decision on the dispute. The consumer can then appeal the decision to a neutral third-party adjudicator within 10 days after receipt.

The bill exempts the owners and operators of theme parks and entertainment complexes, as defined under state law, from most of the invoicing requirements in the bill. It also provides that owners or operators must allow a grace period of at least 15 minutes upon entrance before any parking charges may be incurred, provided the vehicle does not park during that time.

The bill does not apply to owners or operators of lodging parks, mobile home parks, or recreational vehicle parks as those terms are defined under state law, provided certain criteria in the bill are met. It also prohibits the owner or operator of a private property used for motor vehicle parking from selling, offering to sell, or transferring to another person for sale, any personal information obtained from a party using the property's parking services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 113-0

Committee on Judiciary

CS/CS/HB 285 — Pub. Rec./Recording Notification Service

by Ethics, Elections & Open Government Subcommittee; Civil Justice Subcommittee; and Reps. Hunschofsky, Daniels, and others (CS/SB 1000 by Governmental Oversight and Accountability Committee and Senators DiCeglie and Book)

A recording notification service is a program operated by a clerk of court or a property appraiser that allows an individual to receive prompt electronic notification when a document is recorded in the official records that may affect the individual. A property owner receiving an unexpected notice is thereby made aware of possible fraudulent activities that may affect that owner.

The bill makes confidential and exempt from public records inspection and copying requirements the electronic mail addresses, telephone numbers, personal and business names, and parcel identification numbers submitted to the clerk or property appraiser for the purpose of registering for a recording notification service or a related service pursuant to s. 28.47, F.S. The bill applies to currently held information and to information acquired in the future.

This exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless saved from repeal.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 113-0

Committee on Judiciary

HB 353 — Alternative Headquarters for District Court Judges

by Rep. Maney and others (SB 570 by Senators Burgess and Grall)

The bill permits an eligible district court of appeal judge to designate an alternate official headquarters in a county that is adjacent to his or her county of residence that is within the judicial district. Current law only permits an official headquarters designation within the judge's county of residence.

The bill also establishes limits for travel reimbursements for court business. Although a judge who establishes an official headquarters in a county that is adjacent to his or her county of residence may need to travel further to the district court, the bill does not allow the judge to recover more travel expenses than if the judge established a headquarters in his or her home county.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 117-0

Committee on Judiciary

CS/CS/HB 385 — Safe Exchange of Minor Children

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Rudman, Cassel, and others
(CS/SB 580 by Judiciary Committee and Senators Yarborough, Broxson, Garcia, and Osgood)

In family law cases, the term “timesharing” refers to the court-ordered schedule of when minor children are with each parent. Inherent in establishing timesharing is the setting of the time and place to exchange physical custody of the child. Under the bill, a court must specify the locations for the exchange of a child pursuant to a timesharing schedule. If the court finds that there is a risk or imminent threat of harm to one party or a child at the exchange, the location of the exchange may be at a sheriff’s parking lot, which is designated by a sheriff as a safe exchange location, or the location of a supervised visitation program.

The bill requires each sheriff to designate at least one parking lot at the sheriff’s office or a substation as an available safe exchange location. The purpose is to provide a place where parents may bring their minor child for purposes of exchanging the child to comply with court-ordered timesharing. The location must be marked and have at least one surveillance camera with recordings maintained for at least 45 days. The bill does not require the sheriff to actively monitor the location. Moreover, the bill provides that a sheriff and the sheriff’s employees are not civilly liable for an incident that may occur as the result of the exchange of a child at a safe exchange location.

The bill is named the “Cassie Carli Law.” Cassie Carli is believed to have been kidnapped and murdered by the father of their daughter after meeting him for the purpose of timesharing.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 37-1; House 115-0

Committee on Judiciary

CS/HB 461 — Excusal from Jury Service

by Judiciary Committee and Rep. Amesty and others (CS/CS/SB 462 by Health Policy Committee; Judiciary Committee; and Senators Grall, Book, and Davis)

The bill creates a new basis for someone to be excused from jury duty. The bill provides that a woman who has given birth within the last 6 months before the reporting date on a jury summons shall be excused upon request. The excusal applies only to the specific summons for which she requests an excusal.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 114-0

Committee on Judiciary

CS/CS/HB 473 — Cybersecurity Incident Liability

by Judiciary Committee; Commerce Committee; and Reps. Giallombardo, Steele, and others
(CS/SB 658 by Governmental Oversight and Accountability Committee and Senator DiCeglie)

The bill provides that a county or municipality that has substantially complied with cybersecurity protocols established by the Department of Management Services and that has timely notified the state and the local sheriff of a serious incident related to cybersecurity is not liable for civil damages related to the incident.

The bill also provides that a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity or third-party agent that acquires, maintains, stores, processes, or uses personal information is not liable in connection with a cybersecurity incident if the entity substantially complies with the Florida Information Protection Act (FIPA), adopts standards and guidelines in substantial alignment with the current version of any of ten national standards listed, adopts standards and guidelines that substantially align with all of the five federal laws that may apply to the entity (including HIPAA and Gramm-Leach-Bliley, and other similar requirements), and updates its standards and guidelines within 1 year after an update to the prevailing standard.

The protection afforded by the bill is an affirmative defense where the defendant entity has the burden of proof on applicability.

The bill further provides that its provisions apply to any suit filed on or after the effective date of the bill and to any putative class action not certified on or before the effective date of the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 32-8; House 81-28

Committee on Judiciary

HB 521 — Equitable Distribution of Marital Assets and Liabilities

by Rep. Koster and others (SB 534 by Senator Grall)

The bill amends s. 61.075, F.S., which governs the equitable distribution of marital assets and liabilities in dissolution of marriage actions, to establish consistency regarding what qualifies as good cause for an interim partial distribution and to clarify and expand upon existing lists of marital and non-marital assets and liabilities identified in the statute.

Specifically, the bill provides that when determining whether extraordinary circumstances, and therefore good cause, exist for an interim partial distribution, the court must consider the need to:

- Prevent the loss of important assets or defaults on marital debts.
- Pay for dependent child-related expenses.
- Pay for dissolution of marriage proceeding-related expenses, including attorney fees.
- Address any other circumstances justifying entry of an order for interim partial distribution.

With respect to the statutory list of marital assets and liabilities, the bill:

- Clarifies that interspousal gifts of real property must be made consistent with statutory real estate conveyance requirements.
- Provides that joinder of a spouse in the execution of a deed conveying homestead real property to a third party does not change the property's character, or proceeds from its sale, to marital property.
- Includes marital interests in a closely held business as marital assets, and prescribes a method for establishing the value of those interests.

With respect to the statutory list of non-marital assets and liabilities, the bill includes real property acquired separately by either spouse by non-interspousal gift, bequest, devise, or descent, for which legal title has not been transferred to the parties as tenants by the entireties.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 38-0; House 117-0

Committee on Judiciary

CS/CS/HB 619 — Sovereign Immunity for Professional Firms

by Transportation & Modals Subcommittee; Civil Justice Subcommittee; and Rep. Tuck (CS/SB 1534 by Judiciary Committee and Senator Bradley)

The bill revises a statute that treats contractors providing monitoring and inspection services for state road and related infrastructure projects as agents of the state for purposes of sovereign immunity protections. As revised, the liability protections are expressly extended to consultants to a contractor performing monitoring and inspection services for the Florida Department of Transportation which are required for a state road or related infrastructure project.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 38-1; House 113-1

Committee on Judiciary

CS/CS/HB 621 — Property Rights

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Steele and others (CS/CS/SB 888 by Rules Committee; Criminal Justice Committee; and Senators Perry and Yarborough)

Property owners have noted increased incidences of squatters taking over homes, and staying after discovery due to inadequate legal remedies. The bill creates an optional new procedure for a property owner to request that a sheriff's officer remove an unauthorized person from residential real property. The property owner must contact the sheriff and file a complaint under penalty of perjury listing the relevant facts that show eligibility for relief. The complaint form is in the bill. If the complaint shows that the owner is eligible for relief and the sheriff can verify ownership of the property, the sheriff must remove the unauthorized person. The property owner must pay the sheriff the civil eviction fee plus an hourly rate if a deputy must stand by and keep the peace while the unauthorized person is removed.

A person wrongfully removed pursuant to this procedure has a cause of action against the owner for three times the fair market rent, damages, costs, and attorney fees. The bill also creates three new crimes relating to unlawfully occupying a dwelling or fraudulently advertising property for sale or lease.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 108-0

Committee on Judiciary

HCR 693 — Congressional Term Limits

by Reps. Borrero, Gregory, and others (SCR 326 by Senators Ingoglia and Mayfield)

The concurrent resolution is an application to the United States Congress calling upon Congress to convene an Article V constitutional amendments convention. The convention would be limited solely to proposing an amendment to the Constitution to set a limit on the number of terms a person may be elected to serve as a member of the United States House of Representatives and as a member of the United States Senate. The concurrent resolution does not specify the length of the terms that a member would be limited to serving.

The concurrent resolution is to be considered as covering the same subject matter as the presently outstanding applications to Congress from other named states on this same subject. It is to be added, or aggregated, to those applications for the purpose of attaining the two-thirds number of states, or 34 applications, needed to call a constitutional convention.

The concurrent resolution is a continuing application until the legislatures of at least two-thirds of the states have made applications on the term-limit subject. If the application is used to call a convention or used to support a convention on a subject other than this topic, the resolution is revoked and withdrawn, nullified, and superseded as if it had never been passed.

Vote: Senate 0-0; House 80-33

Committee on Judiciary

SB 702 — Attorney Fees and Costs

by Senator Martin

The bill requires courts to award reasonable attorney fees and costs to prevailing defendants in civil litigation concerning property rights, if the improvements made by the defendant property owner were made in substantial compliance with, or in reliance on, environmental or regulatory approvals or permits issued by a political subdivision of the state or a state agency.

For purposes of the bill, the term “property rights” includes, but is not limited to, use rights, ingress and egress rights, and those rights incident to land bordering upon navigable waters as described in the riparian rights statute.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 115-0

Committee on Judiciary

HCR 703 — Balanced Federal Budget

by Reps. Sirois, Gregory, and others (SCR 324 by Senators Ingoglia and Mayfield)

The concurrent resolution is an application to the United States Congress calling upon Congress to convene an Article V constitutional amendments convention to propose a balanced budget amendment.

The convention would be limited to proposing an amendment to the Constitution requiring that, except in a national emergency, the total of all federal appropriations for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

The concurrent resolution provides that it is to be considered as covering the same subject matter as the presently outstanding balanced budget applications to Congress from other named states. It is to be added, or aggregated, to those applications for the purpose of attaining the two-thirds number of states, or 34 applications, needed to call a constitutional convention.

The concurrent resolution states that it may not be added to other application totals on any other subject calling for a constitutional convention in an effort to meet the requisite number of applications needed to call a convention. It is to be a continuing application and supersedes all previous applications on the subject.

Vote: Senate 0-0; House 80-33

Committee on Judiciary

CS/HB 715 — Pub. Rec./Problem-solving Court Participant Records

by Criminal Justice Subcommittee and Rep. Maney and others (SB 910 by Senator Rouson)

The bill creates public records exemptions for information about a participant or potential participant which is contained in specific records of veterans treatment court programs and mental health programs. The proposed exemptions track an existing exemption for comparable records of treatment-based drug court programs.

The programs are part of the state’s “problem-solving courts.” The problem-solving courts are pre-trial intervention court programs that are intended to afford a defendant the opportunity to participate in getting the help he or she needs to deal with substance abuse and mental health disorders and avoid a criminal conviction.

The bill, with limited exceptions, makes confidential and exempt from public records inspection and copying requirements the following information contained in a participant’s or a potential participant’s records:

- Records created or compiled during screenings for participation in the program.
- Records created or compiled during substance abuse screenings.
- Behavioral health evaluations.
- Subsequent treatment status reports.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and saved from repeal by reenactment of the Legislature.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0

Committee on Judiciary

CS/HB 761 — Interpersonal Violence Injunction Petitions

by Civil Justice Subcommittee and Reps. Garcia, Daniels, and others (CS/SB 852 Criminal Justice Committee and Senators Calatayud and Book)

The bill amends statutes authorizing petitions for injunctions for protection against domestic violence; repeat violence, dating violence, and sexual violence; and stalking and cyberstalking to make filing a petition for injunctive relief less burdensome. The bill deletes the current requirement that the petitioner appear in person before a notary or deputy court clerk and swear that the statements made in a petition for an interpersonal violence injunction are true. Instead, the bill requires that the petitioner declare in writing that the statements are true under the penalty of perjury.

The changes made in the bill do not affect the penalty for making a false statement in a petition for an interpersonal violence injunction. The penalty remains a third degree felony.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 113-0

Committee on Judiciary

HB 799 — Easements Affecting Real Property Owned by Same Owner

by Rep. Robinson, W. and others (CS/SB 814 by Rules Committee and Senator Yarborough)

The bill provides that a landowner may create a valid easement, servitude, or other interest that affects his or her own land (that is, notwithstanding a “unity of title”). The bill conforms the law on easements and servitudes to modern practices and customs where such easements are commonly created in advance of subdividing property. The bill applies to existing easements or servitudes but does not reinstate an easement or servitude that is invalid for reasons other than unity of title.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

Vote: Senate 34-5; House 113-1

Committee on Judiciary

CS/HB 923 — Wills and Estates

by Civil Justice Subcommittee and Reps. Fabricio, Robinson, W., and others (CS/SB 1064 by Banking and Insurance Committee and Senator Powell)

The bill provides and clarifies procedures to resolve probate disputes regarding property owned by spouses in this state but acquired while the spouses lived in one of the nine community property states.

In a community property state, property acquired during a marriage is presumed to be owned 50/50 by the spouses regardless of how it may be titled. Once the spouses move to this state, state law provides that community property generally retains its status as community property. In 1992, the Legislature adopted the Florida Uniform Disposition of Community Property Rights at Death Act, to provide guidance for preserving the rights of a surviving spouse in any such community property upon a spouse's death if probate is opened in this state.

Nothing in the Act requires a surviving spouse to make a probate creditor claim to preserve his or her community property rights. However, a recent court case held that probate creditor claim procedures apply to title disputes arising under the Act, including the statute of limitations period and the two-year statute of repose applicable to such claims.

To address these issues, the bill amends and repeals various provisions of the Act, and other related provisions of the Florida Probate Code, to:

- Clarify existing law by exempting title disputes arising under the Act from:
- The term “claim” as defined in the Florida Probate Code.
- The limitations and the two-year statute of repose applicable to probate creditor claims under the Florida Probate Code.
- Create a new dispute resolution mechanism and two-year statute of repose specifically designed for title disputes arising under the Act.
- Make targeted and narrowly-focused modifications to the Act and other related provisions of the Florida Probate Code to improve clarity and reduce the risk of unintended forfeitures of the property rights the Act is intended to preserve.

Beginning on January 1, 2025, the bill requires Clerks of the Circuit Courts to record orders admitting wills to probate and orders determining beneficiaries in the official records of their counties. This practice will aid in ensuring that necessary information about deceased individuals is contained in the land records so that proper heirs can be identified in the chain of title, thereby protecting the public interest of certainty in the ownership of real property.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 116-0

Committee on Judiciary

CS/HB 983 — Pub. Rec./Clerks of the Circuit Court, Deputy Clerks, and Clerk Personnel

by Civil Justice Subcommittee and Reps. Daley, Harris, and others (CS/SB 1176 by Governmental Oversight and Accountability Committee and Senators Yarborough and Hooper)

The bill exempts from public records copying and inspection requirements certain identifying information of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel. The exemption restricts access to information in public records which may identify or locate current clerks of the circuit court, deputy clerks of the circuit court clerk, clerk of the circuit court personnel, and their spouses and children.

The bill exempts from public disclosure the following information relating to current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel:

- Home addresses, telephone numbers, dates of birth, and photographs.
- Names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children.
- The names and locations of schools and day care facilities attended by their children.

This exemption applies to information held by an agency before, on, or after July 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 119-0

Committee on Judiciary

CS/SB 984 — Judgment Liens

by Judiciary Committee and Senator Rouson

The bill updates law on judgment liens to:

- Clarify that a judgment lien in payment intangibles and accounts only applies to property interests that are located in the state,
- Allow filing of a corrective judgment lien certificate,
- Provide that the Uniform Commercial Code lien priority law prevails over the lien priority of the statute on judgments, and
- Authorize an account debtor to pay a judgment creditor in lieu of paying the judgment debtor pursuant to a settlement agreement between the judgment creditor and judgment debtor without the need for a final order or judgment directing payment.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 36-0; House 112-0

Committee on Judiciary

CS/CS/HB 1049 — Flood Disclosure in the Sale of Real Property

by Judiciary Committee; Regulatory Reform & Economic Development Subcommittee; and Rep. Hunschofsky and others (CS/SB 484 by Judiciary Committee and Senator Bradley)

The bill requires the seller of any residential real property to furnish to the buyer, at or before signing the contract for purchase of the property, a disclosure form regarding flood risks. The form informs the buyer that homeowners insurance does not cover flood damage and encourages the buyer to inquire about flood insurance. The form then asks if the seller has filed a flood-related insurance claim for the property and whether the seller has ever received federal assistance for flood damage to the property.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 39-0; House 114-0

Committee on Judiciary

CS/CS/HB 1077 — Clerks of Court

by Appropriations Committee; Justice Appropriations Subcommittee; and Rep. Botana and others (CS/CS/CS/SB 1470 by Appropriations Committee; Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Hutson, Rouson, Martin, and Hooper)

The clerks of court are funded by allowing them to retain a portion of the costs and fees they collect. The bill increases revenues for clerks of the court, primarily through the redistribution of specified service charges and fees. Clerks of court are also allowed to use funds from court-related charges for improvements to court technology and may deposit operating funds into interest bearing accounts for that purpose.

Other provisions of the bill:

- Authorize the establishment of the Miami-Dade County Clerk of Court Driver License Reinstatement Pilot Program.
- Eliminate state attorney and public defender reporting requirements regarding affirmative action programs.
- Make several technical changes to court-related fiscal statutes.

The bill redirects an estimated \$28,938,779 million in revenues from the General Revenue Fund to the Clerks' Fine and Forfeiture Fund and Public Records Modernization Trust Fund starting in Fiscal Year 2024-2025. The Miami-Dade pilot program is estimated to reduce revenues accruing to the General Revenue Fund by a total of \$1.6 million in Fiscal Years 2024-2025 and 2025-2026. No service charges or fees are increased by the bill, and thus the bill has no fiscal impact on the private sector.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 111-0

Committee on Judiciary

CS/HB 1093 — Florida Uniform Fiduciary Income and Principal Act

by Judiciary Committee and Rep. Caruso (CS/CS/SB 1316 by Rules Committee; Judiciary Committee; and Senator Berman)

This bill replaces the current Florida Uniform and Principal Income Act with the Florida Uniform Fiduciary Income and Principal Act. The provisions in this bill, which are found in ch. 738, F.S., govern the allocation of trust and estate receipts and disbursements between principal and interest where a Florida trust does not provide its own terms for the allocation.

The new act, or FUFIPA, would, in addition to modernizing trust law generally:

- Allow for total-return investing under the “modern portfolio theory.”
- Provide for the conversion of an existing trust into a unitrust.
- Provide flexibility for more individualized estate planning.
- Provide a governing law provision to reduce jurisdictional disputes.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect January 1, 2025.

Vote: Senate 32-0; House 115-0

Committee on Judiciary

CS/HB 1305 — Residential Tenancies

by Commerce Committee and Rep. Maggard and others (CS/SB 1466 by Banking and Insurance Committee and Senator Grall)

The bill amends s. 83.43, F.S., to define the term “Florida financial institution” for purposes of the Florida Residential Landlord and Tenant Act. Specifically, the bill defines “Florida financial institution” to mean a bank, credit union, trust company, savings bank, or savings or thrift association doing business under the authority of a charter issued by the United States, this state, or any other state which is authorized to transact business in this state and whose deposits or share accounts are insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

The effect of this change is to expressly permit landlords to comply with the Act by depositing their tenants’ security deposits in any qualifying bank in Florida, regardless of where the financial institution was chartered or is headquartered.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming a law.

Vote: Senate 39-0; House 118-0

Committee on Judiciary

CS/HB 1377 — Pub. Rec./Investigations by the Department of Legal Affairs by State Affairs Committee and Reps. Sirois and McFarland (SB 1790 by Senator Grall)

The bill exempts from public records copying and inspection requirements certain information received by the Department of Legal Affairs in connection with its enforcement obligations under HB 1 or similar legislation during the 2024 Regular Session.

Specifically, the bill exempts, from the public records requirements in s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, all information held by the department, either pursuant to a notification of violation of two new statutes created by HB 1 or pursuant to an investigation of a violation of these new statutes, until such time as the investigation is completed or ceases to be active. Section 501.1736, F.S., created by HB 1 prohibits regulated social media platforms from allowing children younger than 16 to have accounts with them. Section 501.1737, F.S., created by HB 1, requires commercial entities that publish material harmful to minors on a website to use age verification methods to prevent access to the materials by persons younger than 18 years of age.

The bill provides that during an active investigation, certain information made confidential and exempt by the bill may be disclosed by the department. It also provides that upon completion of an investigation, or once an investigation ceases to be active, certain information held by the department must remain confidential and exempt from the public disclosure requirements, including the “proprietary information” of regulated social media platforms and commercial entities as defined in the bill.

These provisions were vetoed by the Governor on March 1, 2024.

Vote: Senate 27-9; House 115-0

Committee on Judiciary

HB 1393 — Court Interpreter Services

by Reps. Tuck, Joseph, and others (CS/SB 1660 by Judiciary Committee and Senator Torres)

The bill authorizes the State Courts System to spend state revenues to provide court-appointed interpreting services to non-indigent people if:

- Funds are available in the fiscal year appropriation for due process services; and
- Interpreting services are provided as prescribed by the Supreme Court.

This bill creates an exception to the general rule that state revenues may not be provided to non-indigent people for due process services. Due process services include, but are not limited to, court reporting services, court interpreter and translation services, and expert witness services.

The bill also repeals the requirement that a trial court administrator recover the cost of court interpreter services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 1451 — Identification Documents

by Reps. Michael, Jacques, and others (SB 1174 by Senator Ingoglia)

The bill prohibits a county or municipality from accepting as identification an identification card or document issued by an entity that knowingly issues the card or document to individuals who are not lawfully present in the United States. These identification cards are commonly called community ID cards. The prohibition does not apply to documentation issued by, or on behalf of, the Federal Government.

During the 2023 legislative session, related restrictions were enacted. These restrictions prohibited a county or municipality from providing funds to a person, entity, or organization for the purpose of issuing an identification card or document to an individual who does not provide proof of lawful presence in the United States.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 28-9; House 81-32

Committee on Judiciary

CS/CS/HB 1491 — Pub. Rec./Investigations by the Department of Legal Affairs

by State Affairs Committee; Regulatory Reform & Economic Development Subcommittee; and Reps. Tramont and Overdorf (SB 1794 by Senator Grall)

The bill exempts from public records copying and inspection requirements certain information received by the Department of Legal Affairs in connection with its enforcement obligations under HB 3 or similar legislation during the 2024 Regular Session.

Specifically, the bill exempts, from the public records requirements in s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, all information held by the department, either pursuant to a notification of violation of two new statutes created by HB 3 or pursuant to an investigation of a violation of these new statutes, until such time as the investigation is completed or ceases to be active.

Section 501.1736, F.S., created by HB 3 requires regulated social media platforms to prohibit minors younger than 14 years of age from entering into contracts with social media platforms to become account holders; it allows minors who are 14 or 15 years of age to become account holders, but only with the consent of a parent or guardian. Section 501.1737, F.S., created by HB 3 requires commercial entities that publish material harmful to minors on a website to use age verification to prevent access to the materials by persons younger than 18 years of age.

The bill provides that during an active investigation, certain information made confidential and exempt by the bill may be disclosed by the department. It also provides that upon completion of an investigation, or once an investigation ceases to be active, certain information held by the department must remain confidential and exempt from the public disclosure requirements, including the “proprietary information” of regulated social media platforms and commercial entities as defined in the bill.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect on the same date that HB 3 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes a law.

Vote: Senate 30-5; House 113-0

Committee on Judiciary

CS/SB 1616 — Electronic Access to Official Records

by Judiciary Committee and Senator Calatayud

The bill amends current law to make an official records search easier and more user-friendly for someone who is trying to identify adults against whom a protective injunction has been issued to protect a minor from domestic violence; repeat violence, sexual violence, or dating violence; or stalking. While the information is currently posted on “an Internet website for general public display,” the information must now be posted more conspicuously on the homepage of the official website for each county recorder or clerk of court.

The county recorder or clerk of court may satisfy the requirements of the bill by including a stand-alone link to the official records index, as long as the link is clearly identified as a link in a clear and conspicuous place on the homepage and is available for search by the general public. The link must be titled in such a manner that the user is informed that by clicking the link, he or she will be redirected to a searchable database relating to the identity of an adult for whom a final judgment for an injunction or protection of a minor has been issued.

The bill also requires that each county recorder or clerk post a “notice” on its homepage no later than 30 days after July 1, 2024. The notice alerts an affected party that he or she has a right to request that the identity of a person be added to the searchable database if the person does not appear in the database but has had a final judgment for an injunction issued against him or her. The notice must include step-by-step instructions detailing how a user can access the searchable database and search for the information.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 113-0

Committee on Judiciary

CS/CS/SB 1680 — Advanced Technology

by Rules Committee; Judiciary Committee; and Senator Bradley

The bill establishes the Government Technology Modernization Council, an advisory council within the Department of Management Services, to generally advise the Legislature on new technologies, artificial intelligence, and related issues. It also creates s. 827.072, F.S., entitled “Generated child pornography,” which makes it a crime to knowingly possess, control, intentionally view, or create generated child pornography.

The general purpose of the advisory council is to study and monitor the development and deployment of new technologies and provide reports on recommendations for the procurement and regulation of such systems to the Governor and the Legislature. Accordingly, the bill requires council members to meet at least quarterly and to perform several duties, including the preparation and submittal of an annual report to the Governor and Legislature addressing the modernization of government technology. The bill also provides for the composition of the advisory council and regulates other aspects of service on the council.

The new criminal statute defines the terms “generated child pornography,” “intentionally view,” and “sexual conduct,” and makes it a crime to knowingly possess, control, intentionally view, or create generated child pornography. Each instance of possession, control, or intentional viewing constitutes a separate offense. Anyone convicted of violating the statute is subject to up to 5 years in prison and a \$5,000 fine, as well as enhanced penalties under the habitual offender statute.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

SB 7020 — Delivery of Notices

by Judiciary Committee

The bill amends the statute defining “registered mail” to expand upon the kinds of delivery services that may be used to comply with statutory registered mail requirements in this state.

Registered mail requirements may be satisfied by using not only services offered by the U.S. Postal Service, but also a private delivery service, so long as the private delivery service is regularly engaged in the delivery of documents which provides proof of mailing or shipping and proof of delivery.

The effect of the bill is to eliminate ambiguity as to whether other forms of delivery can also demonstrate compliance with statutory registered mail requirements, and to give persons seeking to comply with those requirements greater flexibility in choosing an acceptable form of delivery.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 112-0