

Tab 1	CS/SB 56 by EN, Garcia (CO-INTRODUCERS) Leek, Yarborough; Similar to H 00477 Geoengineering and Weather Modification Activities					
840238	A	S	RCS	RC, Garcia	Delete L.59 - 80:	03/26 12:03 PM
Tab 2	CS/SB 86 by CJ, Burgess (CO-INTRODUCERS) Collins; Identical to CS/H 00421 Peer Support for First Responders					
Tab 3	SB 316 by Berman; Identical to CS/H 00403 Limited Liability Companies					
386758	A	S	RCS	RC, Berman	Delete L.1784 - 1791:	03/26 12:10 PM
Tab 4	CS/CS/SB 384 by EN, CA, Burton (CO-INTRODUCERS) Brodeur; Identical to CS/H 00275 Annexing State-owned Lands					
Tab 5	CS/SB 480 by BI, DiCeglie; Similar to CS/H 00497 Nonprofit Agricultural Organization Medical Benefit Plans					
376766	A	S	RCS	RC, Gruters	Delete L.71:	03/26 12:14 PM
Tab 6	CS/SB 538 by ACJ, Bradley; Similar to CS/H 00813 State Courts System					
Tab 7	SB 734 by Yarborough (CO-INTRODUCERS) Burgess, Rouson, Martin; Similar to H 00025 Actions for Recovery of Damages for Wrongful Death					
142450	A	S	UNFAV	RC, Burton	Before L.17:	03/26 12:25 PM
769168	AA	S	FAV	RC, Martin	Delete L.10 - 19:	03/26 12:25 PM
Tab 8	SB 878 by Martin; Identical to H 00091 Probation for Misdemeanor Offenses					
Tab 9	CS/SB 944 by BI, Davis; Identical to CS/H 00839 Insurance Overpayment Claims Submitted to Psychologists					
Tab 10	SM 1488 by Avila; Identical to H 04063 United States Sovereign Wealth Fund					
Tab 11	SB 7020 by GO (CO-INTRODUCERS) DiCeglie; Similar to CS/H 07013 OGSR/Agency Cybersecurity Information					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES

Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Wednesday, March 26, 2025

TIME: 9:00—11:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Passidomo, Chair; Senator Jones, Vice Chair; Senators Avila, Berman, Boyd, Bradley, Brodeur, Burgess, Burton, Davis, DiCeglie, Gaetz, Garcia, Gruters, Harrell, Hooper, Ingoglia, Martin, Osgood, Pizzo, Rodriguez, Rouson, Simon, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 56 Environment and Natural Resources / Garcia (Similar H 477)	Geoengineering and Weather Modification Activities; Repealing provisions relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state, etc. EN 02/11/2025 Fav/CS AEG 03/05/2025 Temporarily Postponed AEG 03/18/2025 Favorable RC 03/26/2025 Fav/CS	Fav/CS Yeas 20 Nays 4
2	CS/SB 86 Criminal Justice / Burgess (Identical CS/H 421, Compare H 1211, S 1554)	Peer Support for First Responders; Revising the definition of the term "first responder" to include specified support personnel for the provision of peer support, etc. CJ 03/04/2025 Fav/CS AEG 03/18/2025 Favorable RC 03/26/2025 Favorable	Favorable Yeas 24 Nays 0
3	SB 316 Berman (Identical H 403)	Limited Liability Companies; Defining the terms "registered foreign protected series of a foreign series limited liability company" and "registered foreign series limited liability company"; specifying that certain limited liability companies are considered a nonresident under certain circumstances; creating the "Uniform Protected Series Provisions"; providing for powers and prohibitions for protected series of series limited liability companies; authorizing domestic limited liability companies to establish protected series, etc. CM 02/18/2025 Favorable JU 03/19/2025 Favorable RC 03/26/2025 Fav/CS	Fav/CS Yeas 24 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 26, 2025, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/CS/SB 384 Environment and Natural Resources / Community Affairs / Burton (Identical CS/H 275)	Annexing State-owned Lands; Requiring a municipality proposing to annex state-owned lands to notify each member of the legislative delegation of the county at a certain time, etc. CA 03/03/2025 Fav/CS EN 03/17/2025 Fav/CS RC 03/26/2025 Favorable	Favorable Yeas 24 Nays 0
5	CS/SB 480 Banking and Insurance / DiCeglie (Similar CS/H 497)	Nonprofit Agricultural Organization Medical Benefit Plans; Defining the term "nonprofit agricultural organization"; authorizing nonprofit agricultural organizations to provide medical benefit plans; specifying that such plans are not insurance for purposes of the Florida Insurance Code; prohibiting the nonprofit agricultural organization from marketing or selling a medical benefit plan through specified agents, etc. BI 03/03/2025 Temporarily Postponed BI 03/10/2025 Fav/CS CM 03/17/2025 Favorable RC 03/26/2025 Fav/CS	Fav/CS Yeas 22 Nays 2
6	CS/SB 538 Appropriations Committee on Criminal and Civil Justice / Bradley (Compare H 813)	State Courts System; Revising the availability of judges to require at least one circuit judge in each circuit to be available for hearings with limited notice; revising the duty of the Florida Clerks of Court Operations Corporation to provide an annual budget request to be pursuant to specified provisions; deleting the per diem cap for arbitrators who participate in court-ordered, nonbinding arbitration; authorizing judges to authenticate a jurat, or certificate of proof or acknowledgment, by affixing their signature and printing their name, title, and court, etc. JU 03/04/2025 Favorable ACJ 03/18/2025 Fav/CS RC 03/26/2025 Favorable	Favorable Yeas 24 Nays 0
7	SB 734 Yarborough (Similar H 25, H 6017, S 616)	Actions for Recovery of Damages for Wrongful Death; Deleting a provision prohibiting the recovery of certain damages by specified parties related to the decedent in wrongful death proceedings, etc. JU 03/04/2025 Favorable AHS 03/18/2025 Favorable RC 03/26/2025 Favorable	Favorable Yeas 23 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 26, 2025, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 878 Martin (Identical H 91)	Probation for Misdemeanor Offenses; Increasing probationary periods for certain misdemeanor offenses involving controlled or chemical substances, etc. CJ 03/11/2025 Favorable ACJ 03/18/2025 Favorable RC 03/26/2025 Favorable	Favorable Yeas 23 Nays 1
9	CS/SB 944 Banking and Insurance / Davis (Identical CS/H 839)	Insurance Overpayment Claims Submitted to Psychologists; Requiring that insurance overpayment claims submitted to psychologists be submitted within a specified timeframe, etc. BI 03/10/2025 Fav/CS HP 03/18/2025 Favorable RC 03/26/2025 Favorable	Favorable Yeas 24 Nays 0
10	SM 1488 Avila (Identical HM 4063)	United States Sovereign Wealth Fund; Urging Congress to establish a framework for a sovereign wealth fund for the United States, etc. CM 03/17/2025 Favorable RC 03/26/2025 Favorable	Favorable Yeas 20 Nays 4
11	SB 7020 Governmental Oversight and Accountability (Similar H 7013)	OGSR/Agency Cybersecurity Information; Amending a provision which provides exemptions from public records requirements for agency cybersecurity information held by a state agency and exemptions from public meetings requirements for portions of meetings which would reveal confidential and exempt information; amending a provision which provides exemptions from public records and public meetings requirements for portions of risk assessments, evaluations, external audits, and other reports of a state agency's cybersecurity program for the data, information, and information technology resources of that state agency which are held by a state agency and for portions of a public meeting which would reveal such confidential and exempt records; extending the date of the scheduled repeal of such exemptions, etc. RC 03/26/2025 Favorable	Favorable Yeas 21 Nays 3

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 56

INTRODUCER: Rules Committee; Environment and Natural Resources Committee; Senator Garcia and others

SUBJECT: Geoengineering and Weather Modification Activities

DATE: March 26, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	<u>Barriero</u>	<u>Yeatman</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 56 prohibits geoengineering and weather modification activities. Specifically, the bill prohibits the injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, weather, climate, or intensity of sunlight. The bill provides that such activities constitute a third-degree felony, punishable by up to five years imprisonment and fines of up to \$100,000, except aircraft operators and controllers who are subject to a fine of up to \$5,000. The bill provides that all moneys collected must be deposited in the Air Pollution Control Trust Fund. The bill directs the Department of Environmental Protection (DEP) to establish a dedicated e-mail address and online form to allow people to report suspected geoengineering and weather modification activities. The bill requires DEP to investigate any report that warrants further review. The bill authorizes DEP to refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate.

The bill provides that, beginning on October 1, 2025, all operators of publicly owned airports must report monthly to the Department of Transportation (DOT) the presence of any aircraft equipped with any part, component, or device used for the intentional emission, injection, release, or dispersion of air contaminants into the atmosphere for the purpose of affecting temperature, weather, climate, or the intensity of sunlight. The bill prohibits DOT from

expending state funds to support public airports not in compliance with these reporting requirements.

The bill repeals all other existing weather modification statutes. The bill also removes DEP's authority to conduct programs of study, research, and experimentation and evaluation in the field of weather modification.

The bill has an indeterminate negative fiscal impact on DEP relating to creating an online form to report suspected geoengineering and weather modification activities and investigating such reports. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Geoengineering and Weather Modification

Geoengineering and weather modification are a range of techniques aimed at manipulating Earth's climate systems to modify precipitation or mitigate the impacts of rising global temperatures. Weather modification, such as cloud seeding, involves altering local or regional atmospheric conditions to increase precipitation or reduce hailstorms. Geoengineering, such as solar radiation modification, focuses on larger-scale actions to reduce the amount of sunlight reaching Earth.

Solar Radiation Modification (SRM)

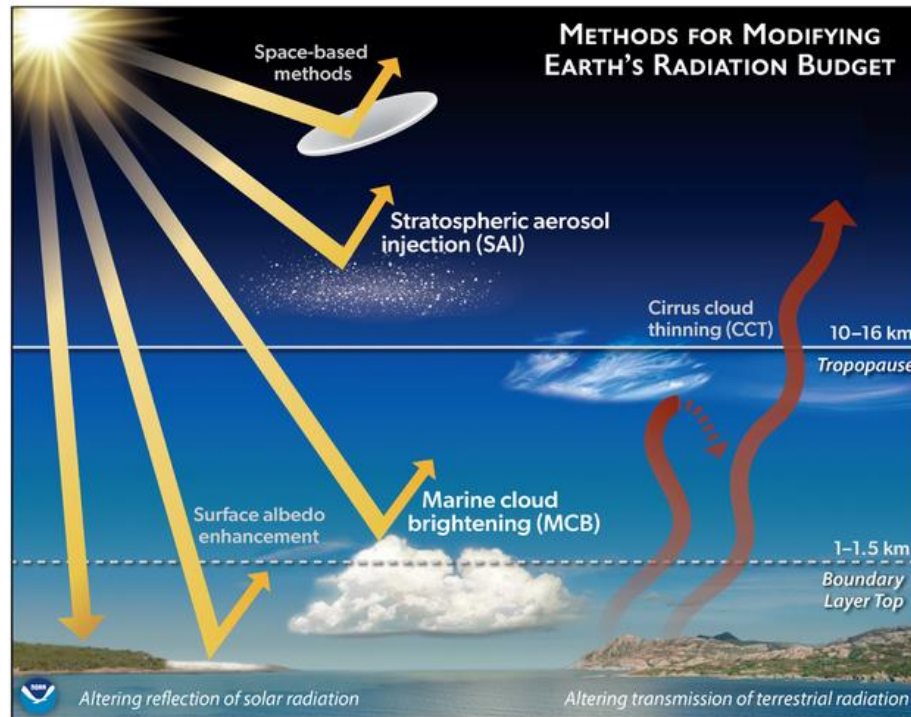
SRM refers to deliberate, large-scale actions intended to decrease global average surface temperatures by increasing the reflection of sunlight away from the Earth.¹ Extensive research efforts are underway to gain a comprehensive understanding of SRM technologies. This research focuses on developing and studying a range of potential future scenarios that combine SRM methods with emissions reductions and carbon dioxide removal technologies, to varying degrees and over varying timescales.² Several SRM methods and technologies are being researched:

- Stratospheric aerosol injection (SAI): a strategy that involves injecting small reflective aerosols such as sulfate into the stratosphere to increase the reflection of incoming sunlight.
- Marine cloud brightening (MCB): a strategy for adding aerosol to the lower atmosphere over ocean regions to increase the reflectivity of low-lying marine clouds.
- Cirrus cloud thinning: a strategy for modifying the properties of high-altitude ice clouds to increase the transmission of outgoing terrestrial radiation to space.
- Surface albedo enhancement: increasing the reflectivity of surfaces through, for example, white roofs or land-cover changes.
- Space-based methods: proposed methods have primarily considered large "mirrors" in space to reflect sunlight.³

¹ NOAA, *Solar radiation modification: NOAA State of the Science factsheet*, <https://www.climate.gov/news-features/understanding-climate/solar-radiation-modification-noaa-state-science-factsheet> (last visited Feb. 6, 2025).

² *Id.*

³ *Id.* The SAI method is based on the observation that past volcanic eruptions that emitted large quantities of sulfates led to a reduction in the amount of incoming solar energy, resulting in a short-term cooling effect. U.S. Congressional Service, *Solar Geoengineering and Climate Change*, 5 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R47551>.



SAI and MCB have been the subject of the most research due to their projected feasibility and estimated cost.⁴ Most of the current understanding of these technologies come from theoretical and modeling studies, not field experimentation. However, the risks and benefits of SAI and MCB are still poorly understood, including their technical feasibility, efficacy, and potential regional and global effects on the climate, agriculture, and ecosystems.⁵

In 2023, the federal government issued a report outlining a research plan and governance framework for investigating SRM as a potential climate intervention tool, focusing on SAI and MCB methods.⁶ The report emphasizes the need to better understand SRM's scientific, societal, and geopolitical implications. The plan aims to balance the exploration of SRM's benefits—such as temperature control and reduced climate risks—with its potential ecological, health, and ethical challenges. It also stresses the importance of transparency, international cooperation, and

⁴ *Id.*

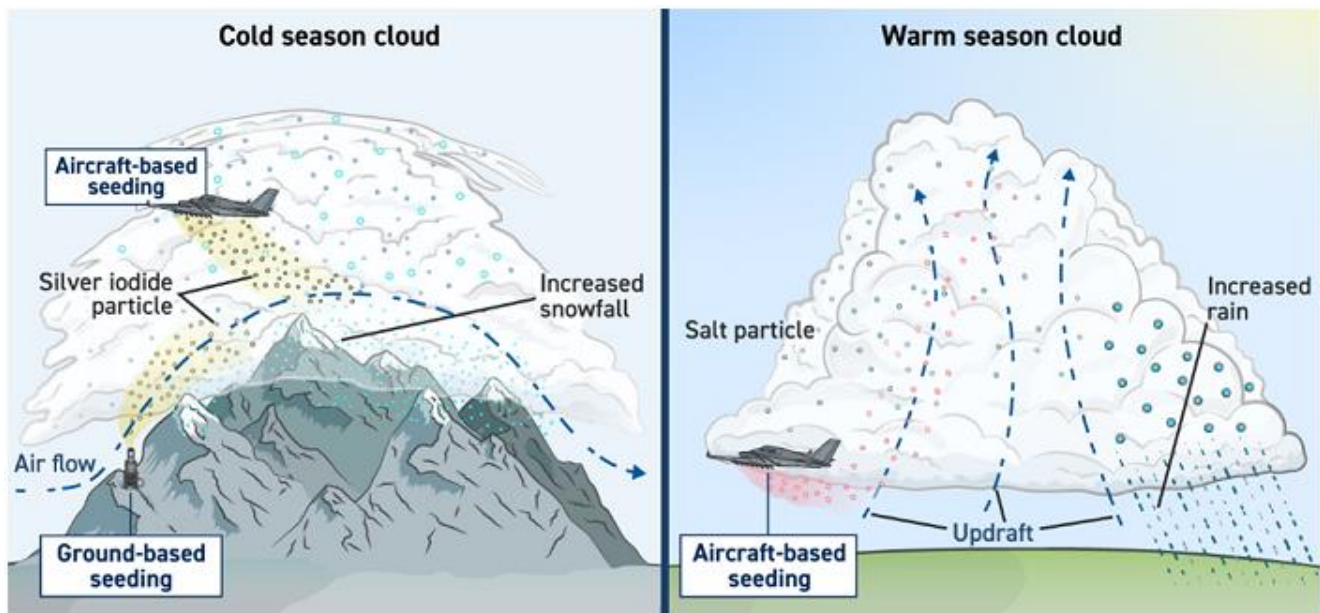
⁵ See U.S. Congressional Service, *Solar Geoengineering and Climate Change* at 10, available at <https://crsreports.congress.gov/product/pdf/R/R47551>; Samantha M. Tracy et al., *Stratospheric aerosol injection may impact global systems and human health outcomes*, *Elementa: Science of the Anthropocene*, vol. 1, 13-14 (2022), available at <https://online.ucpress.edu/elementa/article/10/1/00047/195026/Stratospheric-aerosol-injection-may-impact-global>. See generally Jessica S. Wan et al., *Diminished efficacy of regional marine cloud brightening in a warmer world*, *Nature Climate Change*, vol. 14 (2024), available at <https://www.nature.com/articles/s41558-024-02046-7>; Robert Monroe, Scripps Institution of Oceanography at the University of California San Diego, *Artificial Climate Controls Might Become Ineffective—Because of Climate Change* (2024), <https://scripps.ucsd.edu/news/artificial-climate-controls-might-become-ineffective-because-climate-change>; Katharine Ricke et al., *Hydrological Consequences of Solar Geoengineering*, *Annual Review of Earth and Planetary Sciences*, vol. 51 (2023), available at <https://www.annualreviews.org/content/journals/10.1146/annurev-earth-031920-083456>.

⁶ See White House Office of Science and Technology Policy, *Congressionally Mandated Research Plan and an Initial Research Governance Framework Related to Solar Radiation Modification*, 5 (2023), on file with the Committee on Environment and Natural Resources.

rigorous oversight in SRM research to build trust and inform decision-making. The report does not endorse SRM deployment but highlights the urgency of preparation in case of independent implementation by other actors, ensuring readiness through robust governance and coordinated research efforts.⁷

Cloud Seeding

Cloud seeding is the most common method of weather modification and focuses on producing short-term changes in precipitation, primarily to enhance rain or snowfall, or to suppress hail.⁸ The most frequently used cloud seeding approaches rely on the introduction of tiny particles, usually silver iodide, into certain cloud types to trigger the formation of ice crystals or rain droplets from water already within the cloud.⁹ Clouds amenable to these methods include “cold season clouds” associated with mountainous terrain and “warm season clouds” associated with convective systems, including thunderstorms.¹⁰ While cold season cloud seeding is reasonably well understood, substantial uncertainties remain regarding warm season cloud seeding.¹¹



Cloud seeding operations can be conducted from the ground or the air. Ground-based operations involve strategically positioning cloud seeding generators at higher elevations, usually on the

⁷ See *id.*

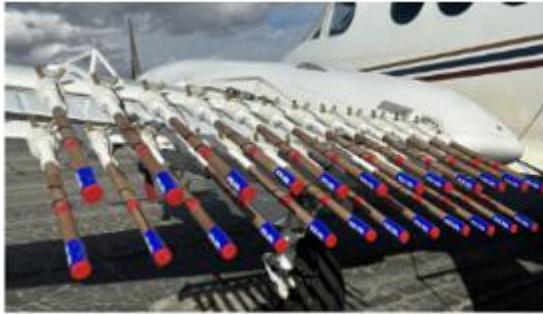
⁸ U.S. Government Accountability Office (GAO), *Technology Assessment: Cloud Seeding Technology*, 3, 5 (2024), available at <https://www.gao.gov/assets/gao-25-107328.pdf>. The use of cloud seeding technology for marine cloud brightening is also being researched. See C. C. Chen et al., *Climate Impact of Marine Cloud Brightening Solar Climate Intervention Under a Susceptibility-Based Strategy Simulated by CESM2*, *Journal of Geophysical Research: Atmospheres*, vol. 130, 2 (2025), available at <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2024JD041245?af=R>.

⁹ GAO, *Technology Assessment: Cloud Seeding Technology* at 5. Silver iodide is a preferred seeding agent because its crystalline structure is nearly identical to natural ice crystals. Texas Dep’t of Licensing & Regulation, *Weather Modification: Frequently Asked Questions*, <https://www.tdlr.texas.gov/weather/weatherfaq.htm#3> (last visited Feb. 6, 2025).

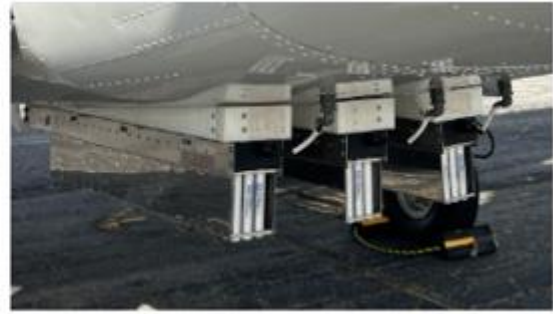
¹⁰ GAO, *Technology Assessment: Cloud Seeding Technology* at 3, available at <https://www.gao.gov/assets/gao-25-107328.pdf>.

¹¹ *Id.* at 5. See also GAO, *Cloud Seeding Technology: Assessing Effectiveness and Other Challenges*, <https://www.gao.gov/products/gao-25-107328> (depicting graphic of cold and warm season cloud seeding).

windward side of mountains.¹² These generators, operated either manually or remotely, release silver iodide particles into the air; wind then transports the particles upward into the clouds where they facilitate the freezing of water molecules.¹³ This process is typically used to increase snowfall over targeted mountain areas.¹⁴ In airborne operations, aircraft disperse the seeding agent into or above the clouds using pyrotechnic flares.¹⁵



Wing-Mounted Burn-In-Place Flares¹⁶



Ejectable Flares¹⁷

Other cloud seeding approaches remain emergent or under development, including the use of balloons, drones, or plane-mounted electrostatic nozzles.¹⁸ In the latter technique, the nozzles charge water particles which are then carried up into the clouds and distributed by updrafts.¹⁹ The particles, which have the opposite electrical charge of the water in the clouds, act as cloud condensation nuclei and trigger the natural rainmaking process.²⁰

If successfully deployed, cloud seeding can potentially replenish reservoirs and aquifers, reduce air pollution and the risk of wildfires, prevent erosion, increase soil moisture, and improve agricultural productivity.²¹ However, several challenges hinder the development and effective implementation of cloud seeding, including limited scientific understanding, uncertain

¹² See Idaho Dep't of Water Resources, *Science Behind Cloud Seeding*, <https://idwr.idaho.gov/iwrp/programs/cloud-seeding-program/science-behind-cloud-seeding/> (last visited Feb. 6, 2025); Santa Ana Watershed Project Authority, *Cloud Seeding Pilot Program in the Santa Ana Watershed*, <https://sawpa.gov/santa-ana-river-watershed-cloud-seeding/> (last visited Feb. 6, 2025).

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See GAO, *Technology Assessment: Cloud Seeding Technology* at 8, available at <https://www.gao.gov/assets/gao-25-107328.pdf>; Texas Dep't of Licensing & Regulation, *Weather Modification: Frequently Asked Questions*, <https://www.tdlr.texas.gov/weather/weatherfaq.htm#3> (last visited Feb. 6, 2025).

¹⁶ Burn-In-Place wing mounted flares emit a fine silver iodide smoke directly into the cloud during flight. The flares are released directly in the cloud when the plane flies through the cloud, for as long as conditions remain suitable for the aircraft safety and for seeding to occur. Idaho Dep't of Water Resources, *Science Behind Cloud Seeding*, <https://idwr.idaho.gov/iwrp/programs/cloud-seeding-program/science-behind-cloud-seeding/> (last visited Feb. 6, 2025).

¹⁷ Ejectable, belly mounted flares are released into the cloud when the plane flies above the cloud; the aircraft drops seeding material into the cloud system by ejecting it from the belly of the plane. This technique is used when the conditions in the cloud are too hazardous for the aircraft and its crew. *Id.*

¹⁸ See GAO, *Technology Assessment: Cloud Seeding Technology* at 8, available at <https://www.gao.gov/assets/gao-25-107328.pdf>; R. Giles Harrison et al., *Providing charge emission for cloud seeding aircraft*, AIP Advances, vol. 14, 3-4 (2024), available at <https://pubs.aip.org/aip/adv/article/14/9/095307/3312161/Providing-charge-emission-for-cloud-seeding>.

¹⁹ Agricultural Research Service, U.S. Dep't of Agriculture (USDA), *Seeding the Skies, Harvesting Rain*, <https://www.ars.usda.gov/oc/dof/seeding-the-skies-harvesting-rain/> (last visited Feb. 6, 2025).

²⁰ *Id.*

²¹ GAO, *Technology Assessment: Cloud Seeding Technology* at 11.

environmental impacts, and inadequate data collection.²² For example, while recent studies suggest that silver iodide does not pose an environmental or health concern at current levels, it is not known whether more widespread use would have an effect on public health or be a risk to the environment.²³ Further research is also needed to assess whether cloud seeding can affect precipitation outside the intended target area.²⁴ Moreover, estimates of how much additional rainfall cloud seeding can produce vary widely, from 0 to 20 percent for cold season cloud seeding.²⁵

According to the U.S. Government Accountability Office, cloud seeding activities in the U.S. are primarily funded at the state level or below.²⁶ As of July 2024, cloud seeding programs were active in at least nine states: California, Colorado, Idaho, Nevada, New Mexico, North Dakota, Texas, Utah, and Wyoming.²⁷ Several other states have laws that address weather modification in some way. In 2024, Tennessee became the first state to ban cloud seeding and other weather modification operations in the state.²⁸ Similar bills have been introduced in at least eight other state legislatures between January 2023 and December 2024, including Illinois, Kentucky, Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Dakota, and Texas.²⁹

Florida Weather Modification Regulations

Since 1957, Florida law has required a license for weather modification activities.³⁰ Applications must be submitted to the Department of Environmental Protection (DEP) and include:

- The name and post office address of the applicant or the person on whose behalf the weather modification operation is to be conducted if other than the applicant.
- The education, experience, and qualifications of the applicant.
- The nature, object, and general description of the proposed weather modification operation.
- The method, equipment, and materials the applicant proposes to use.³¹

Each application must be accompanied by a \$1,000 filing fee.³² Applicants must also provide proof of financial responsibility, namely, a certificate of insurance or a bond to prove their ability to pay damages for accidents arising out of their weather modification operations in the amount of:

- \$10,000 for bodily injury to or death of one person resulting from any one incident, and subject to said limit for one person,
- \$100,000 for bodily injury to or death of two or more persons resulting from any one incident, and

²² *Id.* at 16.

²³ *Id.* at 18.

²⁴ *Id.* at 18-19.

²⁵ *Id.* at 13. Estimates for warm season cloud seeding are not provided.

²⁶ GAO, *Technology Assessment: Cloud Seeding Technology* at 6, available at <https://www.gao.gov/assets/gao-25-107328.pdf>.

²⁷ *Id.*

²⁸ Tenn. Code. Ann. § 68-201-122 (2024).

²⁹ GAO, *Technology Assessment: Cloud Seeding Technology* at 9.

³⁰ Ch. 57-128, Laws of Fla.; section 403.301, F.S.

³¹ Section 403.311(1), F.S. DEP may also require the applicant to submit other pertinent information. *Id.*

³² Section 403.311(2), F.S.

- \$100,000 for injury to or destruction of property of others resulting from any one incident.³³

Prior to beginning operations, the licensee must file with DEP a notice of intention to operate that includes the licensee's information and the area and approximate time of operations.³⁴ The notice must be published in a newspaper within the county or counties of operation, and proof of publication must be filed with DEP.³⁵

Licensees are required to maintain a record of all operations conducted pursuant to the license, including the method employed, the type and composition of materials used, the times and places of operation, and the name and post office address of each person participating or assisting in the operation other than licensee.³⁶ Such records must be made available to the public.³⁷

Any person in violation of these requirements is guilty of a second-degree misdemeanor and subject to penalties including imprisonment of up to 60 days and a \$500 fine.³⁸

Each license entitles the licensee to conduct the operation described in the application for the calendar year for which the license is issued unless the license is revoked or suspended.³⁹ The conducting of any weather modification operation or the use of any equipment or materials other than those described in the application shall be cause for revocation or suspension of the license. The license may be renewed annually by payment of a \$50 filing fee.⁴⁰ A weather modification license may be revoked or suspended if DEP finds that the licensee has failed or refused to comply with any of the provisions of the weather modification act.⁴¹

DEP may grant an emergency license and waive notice requirements if the operation appears to DEP to be necessary or desirable in aid of the extinguishment of fire, dispersal of fog, or other emergency.⁴²

There have been no applications for weather modification licenses in the past 10 years.⁴³

In addition to regulating weather modification licenses, state law also authorizes DEP to study, research, and experiment in the field of weather modification.⁴⁴ However, there is no indication that DEP has been involved in such weather modification programs.

³³ Sections 403.321(1) and (2), F.S.

³⁴ Section 403.351, F.S.

³⁵ Sections 403.361 and 403.371, F.S. The notice must be published at least once a week for two consecutive weeks in a newspaper having general circulation and published within any county or counties where the operation is to be conducted and in which the affected area is located. Section 403.361, F.S.

³⁶ Section 403.381(1), F.S.

³⁷ Section 403.381(2), F.S.

³⁸ Sections 403.411, 775.082(4)(b), and 775.083(1)(e), F.S.

³⁹ Section 403.331(2), F.S.

⁴⁰ Section 403.331(3), F.S.

⁴¹ Section 403.401, F.S.

⁴² Section 403.391, F.S.

⁴³ Email from DEP to Committee on Environment and Natural Resources (Jan. 28, 2025), on file with the Committee on Environment and Natural Resources.

⁴⁴ Section 373.026(6), F.S.

Federal Weather Modification Regulations

The Weather Modification Reporting Act of 1972 requires anyone who conducts weather modification activities within the United States to report such activities to the U.S. Secretary of Commerce at least 10 days prior to undertaking the activities.⁴⁵ The report must include, among other things, the project's purpose and location, as well as the modification agents used (e.g., carbon dioxide, sodium chloride, silver iodide).⁴⁶ Another report, which summarizes the project duration and total modification agents dispensed, is required within 45 days after completion of the project.⁴⁷ For ongoing projects, interim reports are required on January 1st of each year and must include the number of days weather modification activities took place, total hours of operation, and the amount of agent used.⁴⁸ Failure to adhere to these reporting requirements can result in fines of up to \$10,000.⁴⁹

Activities subject to these reporting requirements include:

- Seeding or dispersing of any substance into clouds or fog, to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightning, or influence in any way the natural development cycle of clouds or their environment;
- Using fires or heat sources to influence convective circulation or to evaporate fog;
- Modifying the solar radiation exchange of the earth or clouds, through the release of gases, dusts, liquids, or aerosols into the atmosphere;
- Modifying the characteristics of land or water surfaces by dusting or treating with powders, liquid sprays, dyes, or other materials;
- Releasing electrically charged or radioactive particles, or ions, into the atmosphere;
- Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere;
- Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation; or
- Using lasers or other sources of electromagnetic radiation.⁵⁰

Reporting requirements do not apply to activities of a purely local nature that can reasonably be expected not to modify the weather outside of the area of operation.⁵¹ This exception is restricted to the use of lightning deflection or static discharge devices in aircraft, boats, or buildings, and to the use of small heat sources, fans, fogging devices, aircraft downwash, or sprays to prevent the occurrence of frost in tracts or fields planted with crops susceptible to frost or freeze damage. Also exempt are religious activities or other ceremonies, rites and rituals intended to modify the weather.⁵²

⁴⁵ 15 U.S.C. § 330a; 15 CFR 908.4(a).

⁴⁶ 15 CFR 908.4(a).

⁴⁷ 15 CFR 908.6.

⁴⁸ 15 CFR 908.5.

⁴⁹ 15 U.S.C. § 330d; 15 CFR 908.10.

⁵⁰ 15 CFR § 908.3(a). While all these activities are subject to initial reporting, NOAA may waive the subsequent reporting requirements. The decision to waive certain reporting requirements is based on the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used. 15 CFR § 908.3(d).

⁵¹ 15 CFR § 908.3(c).

⁵² *Id.*

According to the National Oceanic and Atmospheric Administration’s (NOAA) website, NOAA is not currently researching or conducting weather modification experiments and has no plans to do so in the future. However, NOAA studies the stratosphere and marine boundary layer with instruments on balloons and aircraft to help fill important gaps in our knowledge and inform decisions about the potential risks and benefits of solar geoengineering.⁵³

Federal Aviation Act and Preemption of State Law

The Federal Aviation Act of 1958 gave the Federal Aviation Administration (FAA) the authority to establish safety standards for interstate and international air transportation.⁵⁴ FAA has adopted rules relating to, among other things, airspace use, air traffic control, aircraft maintenance and registration, and navigational facilities.⁵⁵ Courts have held that Congress, in enacting the Federal Aviation Act and relevant regulations, intended to preempt state regulation of aviation safety.⁵⁶

Federal law also expressly preempts state law in other areas related to aviation.⁵⁷ States may not adopt or attempt to enforce any standard regarding air pollutant emissions from any aircraft or engine thereof unless it is identical to federal standards.⁵⁸ In addition, states may generally not enact or enforce laws or regulations related to prices, routes, or services of commercial air carriers.⁵⁹

III. Effect of Proposed Changes:

Section 1 repeals several sections of law related to weather modification, including ss. 403.281 (definitions), 403.291 (purpose), 403.301 (licensing requirements), 403.311 (application requirements), 403.321 (proof of financial responsibility requirements), 403.331 (license issuance and discipline provisions), 403.341 (filing and publication of notice of intention to operate requirements), 403.351 (required contents of notice of intention), 403.361 (publication of the notice of intention requirements), 403.371 (proof of publication requirements), 403.381 (records and reports of operations requirements), 403.391 (provision of emergency licenses), and 403.401 (suspension or revocation of licenses), F.S.

Section 2 amends s. 403.411, F.S., to expand the section’s catchline from “penalty” to

⁵³ NOAA, *Fact check: Debunking weather modification claims*, <https://www.noaa.gov/news/fact-check-debunking-weather-modification-claims> (last visited Feb. 6, 2025).

⁵⁴ See 1958 Federal Aviation Act, Pub. L. No. 85-726, 72 Stat. 731 (codified as amended at 49 U.S.C. §§ 40101-49105).

⁵⁵ 14 CFR 1-199.

⁵⁶ *Abdullah v. American Airlines, Inc.*, 181 F.3d 363, 367-368 (3d Cir. 1999). See generally FAA and U.S. Dep’t of Transportation, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, 1 (2023), available at https://www.faa.gov/sites/faa.gov/files/uas/public_safety_gov/public_safety_toolkit/FAA%20UAS%20Fact%20Sheet.pdf (explaining that states and local governments may not regulate in the fields of aviation safety or airspace efficiency but generally may regulate outside those fields).

⁵⁷ Federal preemption arises under three circumstances: (1) where Congress has expressly preempted state law; (2) where state law attempts to regulate a field that Congress intended the federal government to occupy exclusively; or (3) where state law actually conflicts with federal law, either because it would be impossible to comply with both federal and state regulations, or because the state regulation “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *R.J. Reynolds Tobacco Company v. Marotta*, 214 So. 3d 590, 596 (Fla. 2017) (quoting *Vreeland v. Ferrer*, 71 So. 3d 70, 76 (Fla. 2011)).

⁵⁸ 42 U.S.C. § 7573.

⁵⁹ 42 U.S.C. § 41713(b).

“Geoengineering and weather modification activities prohibited; penalty.” The bill provides that the injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, the weather, climate, or the intensity of sunlight is prohibited.

Under current law, any person in violation of weather modification laws is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days and a fine of up to \$500. The bill reclassifies such offenses as a third-degree felony, punishable by a definite term of imprisonment not exceeding five years, and increases the fine to up to \$100,000, except aircraft operators and controllers who are subject to a fine of up to \$5,000. The bill provides that all moneys collected must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control.

The bill provides that any person who observes a geoengineering or weather modification activity may report the observed violation to the Department of Environmental Protection (DEP) online or by telephone, mail, or e-mail. The bill directs DEP to establish an e-mail address and an online form for persons to report such observed violations. DEP must make the e-mail address and online form publicly accessible on its website. DEP is required to establish a method for intake and screening of the reports and investigate any report that warrants further review to determine whether there are violations of this section. The bill authorizes DEP to refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate.

The bill also authorizes DEP to adopt rules necessary to implement the bill.

Section 3 creates s. 403.4115, F.S., regarding reporting geoengineering and weather modification activities on public infrastructure. The bill provides that, beginning on October 1, 2025, all operators of public infrastructure must report monthly to the Department of Transportation (DOT), using a method determined by DOT:

- The physical presence of any aircraft⁶⁰ on public property, including any public infrastructure, equipped with any part, component, device, or the like which may be used to support the intentional emission, injection, release, or dispersion of air contaminants into the atmosphere within the borders of this state when such emissions occur for the express purpose of affecting temperature, weather, climate, or the intensity of sunlight.
- The landing, takeoff, stopover, or refueling of aircraft equipped with such components on the physical location of the public infrastructure.

The bill defines “public infrastructure” as any publicly owned airport used for public purposes.⁶¹

The bill provides that DOT may not expend any state funds to support a project or program located on or in support of public infrastructure not in compliance with this section until such time as the entity becomes compliant.

⁶⁰ The bill defines “aircraft” as a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.

⁶¹ See section 332.004(14), F.S.

The bill provides that, upon receipt of the reports, DOT must submit aggregated reports to DEP and the applicable state law enforcement agency in support of the enforcement of the geoengineering and weather modification ban. DOT must also incorporate reporting guidelines in all grant agreements for public use airports which receive state funds. The bill authorizes DOT to adopt rules necessary to implement the bill's provisions.

Section 4 makes conforming changes.

Section 5 amends s. 373.026, F.S., regarding the general powers and duties of DEP. The bill removes the requirement that DEP conduct programs of study, research, and experimentation and evaluation in the field of weather modification.

Sections 6 through 8 make conforming changes.

Section 9 provides an effective date of 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:

The bill has a negative, indeterminate fiscal impact on the Department of Environmental Protection (DEP) related to creating an online form for reporting suspected geoengineering and weather modification activities and investigating such reports. Operators of publicly owned airports may incur costs related to reporting suspected aircraft that are not in compliance with the bill, and the Department of Transportation may incur costs related to submitting aggregated reports to DEP and law enforcement.

DEP may see an increase in revenues into the Air Pollution Trust Fund due to the fine increasing from \$500 to \$100,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.411, 253.002, 373.026, 373.1501, 373.4598, and 373.470.

This bill repeals the following sections of the Florida Statutes: 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381, 403.391, and 403.401.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on March 26, 2025:

- Reclassifies geoengineering and weather modification activities from a second-degree misdemeanor to a third-degree felony.
- Provides that an aircraft operator or controller in violation of the statute are subject to a fine of up to \$5,000 and up to five years imprisonment.
- Requires the Department of Environmental Protection (DEP) to establish a method for screening reports of weather modification activities and investigate any report that warrants further review.
- Provides that, beginning October 1, 2025, operators of publicly owned airports must report monthly to the Department of Transportation (DOT) the presence of any aircraft on public property equipped with any part or device to intentionally emit air contaminants for the purpose of weather modification.
- Provides DOT may not expend state funds to support noncompliant airports, must submit aggregated reports to DEP and state law enforcement, and must incorporate these reporting requirements into state-funded airport grant agreements.

- Authorizes DOT to adopt rules to implement the bill's provisions.

CS by Environment and Natural Resources on February 11, 2025:

- Clarifies that the weather modification ban includes geoengineering activities and activities to affect the climate;
- Clarifies that the ban applies to public and private corporations;
- Increases the fine for conducting geoengineering and weather modification activities from \$10,000 to \$100,000;
- Provides that all funds collected from such fines must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control;
- Allows any person who observes a geoengineering or weather modification activity to report it to the Department of Environmental Protection (DEP) online or by telephone, mail, or e-mail;
- Requires DEP to establish an e-mail address and an online form for persons to report observed violations and make the e-mail address and online form publicly accessible on its website;
- Provides that DEP may refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate;
- Permits DEP to adopt rules necessary to implement the reporting process; and
- Restores language providing that, at the Governor's direction, state agencies charged with responsibilities related to weather modification must make studies of emergency-mitigation-related matters.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2025	.	
	.	
	.	
	.	

The Committee on Rules (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 59 - 80
and insert:
~~of a felony misdemeanor of the third ~~second~~ degree, punishable~~
~~as provided in s. 775.082 and by a fine not exceeding \$100,000;~~
~~or s. 775.083; and, if a corporation, the officers, directors,~~
~~or employees of the corporation commit shall be guilty of a~~
~~felony misdemeanor of the third ~~second~~ degree, punishable by a~~
~~fine not exceeding \$100,000; and, if an aircraft operator or~~
~~controller, such person commits a felony of the third degree,~~



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punishable as provided in s. 775.082 and by a fine not exceeding \$5,000 and up to 5 years in jail ~~as provided in s. 775.083~~. Each such violation ~~is~~ shall be a separate offense.

(3) All moneys collected pursuant to this section must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control pursuant to this chapter.

(4) (a) Any person who observes a geoengineering or weather modification activity conducted in violation of this section may report the observed violation to the department online or by telephone, mail, or e-mail.

(b) The department shall establish an e-mail address and an online form for persons to report observed violations pursuant to this subsection. The department shall make the e-mail address and online form publicly accessible on its website.

(c) The department shall establish a method for intake and screening of the reports made pursuant to this subsection. The department shall investigate any report that warrants further review to determine whether there are violations of this section.

(d) The department shall refer reports of observed violations made pursuant to this subsection to the Department of Health or the Division of Emergency Management, if appropriate.

(e) The department shall adopt any rules that are necessary to implement this subsection.

Section 3. Section 403.4115, Florida Statutes, is created to read:

403.4115 Reporting on geoengineering and weather modification activities on public infrastructure; penalty.—

(1) As used in this section, the term:



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41 (a) "Aircraft" means a powered or unpowered machine or
42 device capable of atmospheric flight, except a parachute or
43 other such device used primarily as safety equipment.

44 (b) "Department" means the Department of Transportation.

45 (c) "Public infrastructure" means any public-use airport as
46 that term is defined in s. 332.004.

47 (2)(a) Beginning on October 1, 2025, all operators of
48 public infrastructure shall report monthly to the department,
49 using a method determined by the department, the physical
50 presence of any aircraft on public property, including any
51 public use infrastructure, equipped with any part, component,
52 device, or the like which may be used to support the intentional
53 emission, injection, release, or dispersion of air contaminants
54 into the atmosphere within the borders of this state when such
55 emissions occur for the express purpose of affecting
56 temperature, weather, climate, or the intensity of sunlight.

57 (b) The landing, takeoff, stopover, or refueling of
58 aircraft equipped with the components outlined in (a) on the
59 physical location of the public infrastructure.

60 (3) The Department may not expend any state funds as
61 described in s. 215.31, F.S. to support a project or program
62 located on or in support of public use infrastructure not in
63 compliance with this section until such time as the entity
64 becomes compliant with this section.

65 (4) Upon receipt of the reports required in (3) the
66 department shall submit aggregated reports to the Department of
67 Environmental Protection and the applicable state law
68 enforcement agency in support of the enforcement of s. 403.411.

69 (5) The department shall incorporate reporting guidelines



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in all grant agreements for public use airports which receive
state funds as defined in s. 215.31.

(6) The department may adopt rules necessary to implement
this subsection.

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

And the title is amended as follows:

Delete lines 27 - 30

and insert:

requiring the Department of Environmental Protection
to establish a method for the intake and screening of
such reports; requiring the department to investigate
certain reports; requiring the department to refer
reports of observed violations to the Department of
Health or the Division of Emergency Management, if
appropriate; requiring the department to adopt rules;
creating s. 403.4115, F.S.; defining terms; requiring
an operator of public infrastructure to report certain
information monthly to the Department of
Transportation; prohibiting the department from
expending funds to support certain projects or
programs; requiring the department to submit a report
to specified entities; amending ss. 253.002,

By the Committee on Environment and Natural Resources; and
Senators Garcia and Leek

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1 A bill to be entitled
2 An act relating to geoengineering and weather
3 modification activities; repealing ss. 403.281,
4 403.291, 403.301, 403.311, 403.321, 403.331, 403.341,
5 403.351, 403.361, 403.371, 403.381, 403.391, and
6 403.401, F.S., relating to the definitions, purpose,
7 licensing requirements, applications, proof of
8 financial responsibility requirements, license
9 issuance and discipline provisions, publication of
10 notice of intention to operate requirements, required
11 contents of the notice of intention, publication of
12 the notice of intention requirements, proof of
13 publication requirements, record and reports of
14 operations requirements, provision of emergency
15 licenses, and suspension or revocation of licenses,
16 respectively, of the weather modification law;
17 amending s. 403.411, F.S.; prohibiting certain acts
18 intended to affect the temperature, the weather, or
19 the intensity of sunlight within the atmosphere of
20 this state; increasing civil penalties for violations
21 of the geoengineering and weather modification law;
22 requiring that specified moneys be deposited in the
23 Air Pollution Control Trust Fund and used only for
24 specified purposes; authorizing a person who observes
25 a geoengineering or weather modification activity to
26 report such activity; providing construction;
27 authorizing the department to refer reports of such
28 observations to the Department of Health or the
29 Division of Emergency Management; authorizing the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 department to adopt rules; amending ss. 253.002,
31 373.026, 373.1501, 373.4598, and 373.470, F.S.;
32 conforming cross-references and provisions to changes
33 made by the act; making technical changes; providing
34 an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Sections 403.281, 403.291, 403.301, 403.311,
39 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381,
40 403.391, and 403.401, Florida Statutes, are repealed.

41 Section 2. Section 403.411, Florida Statutes, is amended to
42 read:

43 403.411 Geoengineering and weather modification activities
44 prohibited; penalty.—

45 (1) The injection, release, or dispersion, by any means, of
46 a chemical, a chemical compound, a substance, or an apparatus
47 into the atmosphere within the borders of this state for the
48 express purpose of affecting the temperature, weather, climate,
49 or intensity of sunlight is prohibited.

50 (2) Any person, including any public or private
51 corporation, who conducts ~~conducting~~ a geoengineering or weather
52 modification ~~activity in violation of this section commits~~
53 operation without first having procured a license, or who shall
54 make a false statement in his or her application for license, or
55 who shall fail to file any report or reports as required by this
56 act, or who shall conduct any weather modification operation
57 after revocation or suspension of his or her license, or who
58 shall violate any other provision of this act, shall be guilty

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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of a misdemeanor of the second degree, punishable as provided in s. 775.082 ~~and by a fine not exceeding \$100,000, or s. 775.083,~~ and, if a corporation, ~~the corporation commits shall be guilty of a misdemeanor of the second degree, punishable by a fine not exceeding \$100,000 as provided in s. 775.083.~~ Each such violation ~~is shall be~~ a separate offense.

(3) All moneys collected pursuant to this section must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control pursuant to this chapter.

(4)(a) Any person who observes a geoengineering or weather modification activity conducted in violation of this section may report the observed violation to the department online or by telephone, mail, or e-mail.

(b) The department shall establish an e-mail address and an online form for persons to report observed violations pursuant to this subsection. The department shall make the e-mail address and online form publicly accessible on its website.

(c) The department may refer reports of observed violations made pursuant to this subsection to the Department of Health or the Division of Emergency Management when appropriate.

(d) The department may adopt rules necessary to implement this subsection.

Section 3. Subsection (1) of section 253.002, Florida Statutes, is amended to read:

253.002 Department of Environmental Protection, water management districts, Fish and Wildlife Conservation Commission, and Department of Agriculture and Consumer Services; duties with respect to state lands.—

(1) The Department of Environmental Protection shall

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perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. However, upon the effective date of rules adopted pursuant to s. 373.427, a water management district created under s. 373.069 shall perform the staff duties and functions related to the review of any application for authorization to use board of trustees-owned submerged lands necessary for an activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). The Department of Agriculture and Consumer Services shall perform the staff duties and functions related to the review of applications and compliance with conditions for use of board of trustees-owned submerged lands under authorizations or leases issued pursuant to ss. 253.67-253.75 and 597.010 and the acquisition, administration, and disposition of conservation easements pursuant to s. 570.71. Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees. The board of trustees may also delegate to any water management district created under s. 373.069 the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees-owned submerged lands for any activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating

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117 agreement adopted pursuant to s. 373.046(4). This water
 118 management district responsibility under this subsection is
 119 ~~shall be~~ subject to the department's general supervisory
 120 authority pursuant to s. 373.026(6) ~~s. 373.026(7)~~. The board of
 121 trustees may also delegate to the Department of Agriculture and
 122 Consumer Services the authority to take final agency action on
 123 behalf of the board on applications to use board of trustees-
 124 owned submerged lands for any activity for which that department
 125 has responsibility pursuant to ss. 253.67-253.75, 369.25,
 126 369.251, and 597.010. However, the board of trustees shall
 127 retain the authority to take final agency action on establishing
 128 any areas for leasing, new leases, expanding existing lease
 129 areas, or changing the type of lease activity in existing
 130 leases. Upon issuance of an aquaculture lease or other real
 131 property transaction relating to aquaculture, the Department of
 132 Agriculture and Consumer Services must send a copy of the
 133 document and the accompanying survey to the Department of
 134 Environmental Protection. The board of trustees may also
 135 delegate to the Fish and Wildlife Conservation Commission the
 136 authority to take final agency action, without any action on
 137 behalf of the board, on applications for authorization to use
 138 board of trustees-owned submerged lands for any activity
 139 regulated under ss. 369.20 and 369.22.

140 Section 4. Subsection (6) of section 373.026, Florida
 141 Statutes, is amended to read:

142 373.026 General powers and duties of the department.—The
 143 department, or its successor agency, shall be responsible for
 144 the administration of this chapter at the state level. However,
 145 it is the policy of the state that, to the greatest extent

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146 possible, the department may enter into interagency or
 147 interlocal agreements with any other state agency, any water
 148 management district, or any local government conducting programs
 149 related to or materially affecting the water resources of the
 150 state. All such agreements shall be subject to the provisions of
 151 s. 373.046. In addition to its other powers and duties, the
 152 department shall, to the greatest extent possible:

153 ~~(6) Conduct, either independently or in cooperation with~~
 154 ~~any person or governmental agency, a program of study, research,~~
 155 ~~and experimentation and evaluation in the field of weather~~
 156 ~~modification.~~

157 Section 5. Subsections (1) and (9) of section 373.1501,
 158 Florida Statutes, are amended to read:

159 373.1501 South Florida Water Management District as local
 160 sponsor.—

161 (1) As used in this section and s. 373.026(7) ~~s.~~
 162 ~~373.026(8)~~, the term:

163 (a) "C-111 Project" means the project identified in the
 164 Central and Southern Florida Flood Control Project, Real Estate
 165 Design Memorandum, Canal 111, South Miami-Dade County, Florida.

166 (b) "Department" means the Department of Environmental
 167 Protection.

168 (c) "District" means the South Florida Water Management
 169 District.

170 (d) "Kissimmee River Restoration Project" means the project
 171 identified in the Project Cooperation Agreement between the
 172 United States Department of the Army and the South Florida Water
 173 Management District dated March 22, 1994.

174 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter

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175 Wetlands) lands identified in the Save Our Rivers 2000 Land
 176 Acquisition and Management Plan approved by the South Florida
 177 Water Management District on September 9, 1999 (Resolution 99-
 178 94).

179 (f) "Project" means the Central and Southern Florida
 180 Project.

181 (g) "Project component" means any structural or operational
 182 change, resulting from the restudy, to the Central and Southern
 183 Florida Project as it existed and was operated as of January 1,
 184 1999.

185 (h) "Restudy" means the Comprehensive Review Study of the
 186 Central and Southern Florida Project, for which federal
 187 participation was authorized by the federal Water Resources
 188 Development Acts of 1992 and 1996 together with related
 189 congressional resolutions and for which participation by the
 190 South Florida Water Management District is authorized by this
 191 section. The term includes all actions undertaken pursuant to
 192 the aforementioned authorizations which will result in
 193 recommendations for modifications or additions to the Central
 194 and Southern Florida Project.

195 (i) "Southern Corkscrew Regional Ecosystem Watershed
 196 Project" means the area described in the Critical Restoration
 197 Project Contract C-9906 Southern Corkscrew Regional Ecosystem
 198 Watershed Project Addition/Imperial River Flowway and approved
 199 by the South Florida Water Management District on August 12,
 200 1999.

201 (j) "Water Preserve Areas" means those areas located only
 202 within Palm Beach and Broward counties that are designated as
 203 Water Preserve Areas, as approved by the South Florida Water

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204 Management District Governing Board on September 11, 1997, and
 205 shall also include all of those lands within Cell II of the East
 206 Coast Buffer in Broward County as delineated in the boundary
 207 survey prepared by Stoner and Associates, Inc., dated January
 208 31, 2000, SWFWMD #10953.

209 (k) "Ten Mile Creek Project" means the Ten Mile Creek Water
 210 Preserve Area identified in the Central and Southern Florida
 211 Ecosystem Critical Project Letter Report dated April 13, 1998.

212 (9) Final agency action with regard to any project
 213 component subject to s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ shall be
 214 taken by the department. Actions taken by the district pursuant
 215 to subsection (5) may ~~shall~~ not be considered final agency
 216 action. A ~~Any~~ petition for formal proceedings filed pursuant to
 217 ss. 120.569 and 120.57 requires ~~shall require~~ a hearing under
 218 the summary hearing provisions of s. 120.574, which is ~~shall be~~
 219 mandatory. The final hearing under this section must ~~shall~~ be
 220 held within 30 days after receipt of the petition by the
 221 Division of Administrative Hearings.

222 Section 6. Paragraph (c) of subsection (10) of section
 223 373.4598, Florida Statutes, is amended to read:

224 373.4598 Water storage reservoirs.—

225 (10) FUNDING.—

226 (c) Notwithstanding s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ or
 227 any other provision of law, the use of state funds is authorized
 228 for the EAA reservoir project.

229 Section 7. Paragraph (a) of subsection (6) of section
 230 373.470, Florida Statutes, is amended to read:

231 373.470 Everglades restoration.—

232 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

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233 (a) Except as provided in paragraphs (d) and (e) and for
234 funds appropriated for debt service, the department shall
235 distribute funds in the Save Our Everglades Trust Fund to the
236 district in accordance with a legislative appropriation and s.
237 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the
238 district from the Save Our Everglades Trust Fund shall be
239 equally matched by the cumulative contributions from the
240 district by fiscal year 2019-2020 by providing funding or
241 credits toward project components. The dollar value of in-kind
242 project design and construction work by the district in
243 furtherance of the comprehensive plan and existing interest in
244 public lands needed for a project component are credits towards
245 the district's contributions.
246 Section 8. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 21, 2025

I respectfully request that **Senate Bill #56**, relating to Geoengineering and Weather Modification Activities. This bill repealing provisions relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state, etc. To be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in black ink, appearing to read "Ileana Garcia", is written over a horizontal line.

Senator Ileana Garcia
Florida Senate, District 36

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

56

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name HEATH WRUBLE

Phone 646.431.7418

Address 11824 NW 22nd St

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Street

Coral Springs FL

33071

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

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(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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26 March 2025

Meeting Date

Rules

Committee

SB 56

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Susan Clarke

Phone

321 250 3282

Address

1080 Cypress Parkway

Street

Email

s.1234567@yahoo.com

Kissimmee FL 34759

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-26-2025

Meeting Date

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SB 56

Bill Number or Topic

Senate Rules

Committee

Amendment Barcode (if applicable)

Name Augustus Doricho

Phone 203-273-3579

Address 231 Sierra St

Email augustus@makeraia.com

El Segundo CA 90245

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/26/25
Meeting Date

SB 56

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Amice Vilella McBride

Phone (516) 662-6562

Address 4577 Charing Cross Road
Street

Email amice@globalwellnessforum.org

Sarasota FL 34241
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Global Wellness Forum

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 86

INTRODUCER: Criminal Justice Committee; Senators Burgess and Collins

SUBJECT: Peer Support for First Responders

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Fav/CS
2.	Davis	Betta	AEG	Favorable
3.	Vaughan	Yeatman	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 86 amends s. 111.09, F.S., to expand the definition of “first responder” to include support personnel as defined in s. 943.10(11), F.S.,¹ who are involved in investigating a crime scene or collecting or processing evidence. Section 111.09, F.S., ensures first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications.

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

First Responders

First responders frequently face challenging and traumatic experiences in their daily duties. They routinely witness fatalities, injuries, and suffering that can take a toll on their emotional wellbeing. Critical circumstances surrounding their duties often lead to the onset of conditions

¹ Section 943.10(11), F.S., defines “support personnel” as any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

such as Post-Traumatic Stress Disorder (PTSD), Secondary PTSD, compression fatigue, and vicarious trauma.²

A “first responder”³ is a law enforcement officer,⁴ a correctional officer,⁵ a correctional probation officer,⁶ a firefighter,⁷ or an emergency medical technician⁸ or paramedic,⁹ employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Peer Support for First Responders

Peer support is based on the notion that those who have overcome the impact of stressful and traumatic events are uniquely qualified to assist others dealing with similar experiences through increased awareness and vigilance, empathic responses, and personal validation.¹⁰ Peer support programs can assist individuals facing post-traumatic stress disorder, sleep deprivation, suicide ideations, substance abuse, and depression. Statistics show nearly 30 percent of first responders will develop a behavioral health condition, including but not limited to depression and post-traumatic stress disorder, during the course of their career.¹¹

² The Effects of Trauma on First Responders, <https://www.w-z.com/2024/03/26/the-effects-of-trauma-on-first-responders/> (last visited February 24, 2025).

³ Section 112.1815, F.S.

⁴ Section 943.10(1), F.S., defines “law enforcement officer” as any person any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.

⁵ Section 943.10(2), F.S., defines “correctional officer” as any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

⁶ Section 943.10(3), F.S., defines “correctional probation officer” as any person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

⁷ Section 633.102(9), F.S., defines “firefighter” as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S.

⁸ Section 401.23(12), F.S., defines “emergency medical technician” as a person who is certified by the department to perform basic life support pursuant to this part.

⁹ Section 401.23(18), F.S., defines “paramedic” as a person who is certified by the department to perform basic and advanced life support pursuant to this part.

¹⁰ Journal of Mental Health, *A Review of the Literature on Peer Support in Mental Health Services*, Julie Repper and Tim Carter, (August 2011): 20, no. 4: 392-411, available at <https://pubmed.ncbi.nlm.nih.gov/21770786/> (last visited February 24, 2025).

¹¹ Substance Abuse and Mental Health Services Administration, Disaster Technical Assistance Center Supplemental Research Bulletin, *First Responders: Behavioral Health Concerns, Emergency Response, and Trauma* (May 2018), available at <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf> (last visited February 24, 2025).

The Orlando Firefighters Peer Support Team provides support and wellness to fellow firefighters and their families through the process of listening, providing referrals, and support. None of the members are professional counselors, but they receive extensive training to guide and support individuals through various situations.¹²

A first responder's employing agency or affiliated first responder organization may designate a first responder peer¹³ for the purpose of providing peer support. "Peer support"¹⁴ means the provision of physical, moral, or emotional support to a first responder¹⁵ by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. A "first responder peer"¹⁶ is a person who:

- Is not a health care practitioner as defined in s. 456.001, F.S.
- Has experience working as or with a first responder, including active, volunteer, and retired first responders, regarding any physical or emotional conditions or issues associated with the first responder's employment.
- Has been designated by the first responder's employing agency or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

Peer support is generally confidential. Section 111.09, F.S., provides that the term "peer support communication" means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity. First responder peers are prohibited from divulging information from, or testifying about, a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication, in which case such information may be divulged but is limited to the scope of the proceeding;¹⁷
 - The first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications;¹⁸

¹² Orlando Professional Firefighters Local 1365, *Our Team*, available at <https://www.orlandolocal1365.org/peer-support-3/> (last visited February 24, 2025).

¹³ Section 111.09(1)(c), F.S., defines "peer support peer" as a person who is not a health care practitioner as defined in s. 456.001, F.S.; as experience working as or with a first responder, including active, volunteer, and retired first responders, regarding any physical or emotional conditions or issues associated with the first responder's employment; Has been designated by the first responder's employing agency or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

¹⁴ Section 111.09(1)(d), F.S.

¹⁵ Section 111.09(1)(b), F.S., defines "first responder" as having the same meaning as provided in s. 112.1815, F.S. and includes 911 public safety telecommunicators as defined in s. 401.465, F.S., correctional officers as defined in s. 943.10(2), F.S., and correctional probation officers as defined in s. 943.10(3), F.S.

¹⁶ Section 111.09(1)(b), F.S.

¹⁷ Section 111.09(2)(a), F.S.

¹⁸ Section 111.09(2)(b), F.S.

- Based on the peer support communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; or¹⁹
- There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities.²⁰

Section 111.09, F.S., does not prevent the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a first responder peer from a source other than a first responder through a peer support communication.

Current law provides this confidential peer support communication to first responders. However, support personnel are not included in the definition of first responder and are not entitled to the same peer support.

“Support personnel”²¹ is any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system. Support positions may include, but are not limited to forensic technicians, crime scene analysts, victim advocates and crime lab technicians. Support positions process traumatic investigations, including death, child abuse, disasters, and mass casualty incidents.²²

III. Effect of Proposed Changes:

The bill amends s. 111.09, F.S., to expand the definition of “first responder” to include “support personnel” as defined in s. 943.10(11), F.S. Section 111.09, F.S., ensures first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications. Support personnel must be involved in investigating a crime scene or collecting or processing evidence, to be eligible for peer support.

This expansion affords support personnel the same protection for peer support communications, especially regarding the confidentiality of the communication between a first responder peer and fellow first responder.

The bill takes effect on July 1, 2025.

¹⁹ Section 111.09(2)(c), F.S.

²⁰ Section 111.09(2)(d), F.S.

²¹ Section 943.10(11), F.S.

²² Email from Chase Daniels, Pasco County Sheriff’s Office, (February 3, 2025) (on file with the Senate Committee on Criminal Justice).

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

The bill is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 111.09 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 4, 2025:

The amendment limits support personnel eligible for peer support to such personnel who are involved in investigating a crime scene or collecting or processing evidence.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Burgess

591-02122-25

202586c1

A bill to be entitled

An act relating to peer support for first responders;
amending s. 111.09, F.S.; revising the definition of
the term "first responder" to include specified
support personnel for the provision of peer support;
providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section
111.09, Florida Statutes, is amended to read:

111.09 Peer support for first responders.—

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

(b) "First responder" has the same meaning as provided in
s. 112.1815 and includes 911 public safety telecommunicators as
defined in s. 401.465, correctional officers as defined in s.
943.10(2), ~~and~~ correctional probation officers as defined in s.
943.10(3), and support personnel as defined in s. 943.10(11),
who are involved in investigating a crime scene or collecting or
processing evidence.

Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 20, 2025

I respectfully request that **Senate Bill #86**, relating to Peer Support for First Responders, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

CC: Tom Yeatman, Staff Director
CC: Cyndi Futch, Committee Administrative Assistant

The Florida Senate

APPEARANCE RECORD

3/26/25

Meeting Date

Rules

Committee

Name **Chase Daniels**

Address **8661 Citizens Dr**

Street

New Port Richey

City

FL

State

34654

Zip

86

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **727-277-6226**

Email **cdaniels@pascosheriff.org**

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Pasco Sheriff's Office

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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3/26/2025

Meeting Date

Rules

Committee

0086

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jennifer C. Pritt

Phone

850 219 3631

Address

2636 Mitcham Drive

Email

jpritt@fpca.com

Street

Tallahassee FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Police Chiefs
Association

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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3/26/25

Meeting Date

Rules

Committee

86

Bill Number or Topic

Amendment Barcode (if applicable)

Name

William B. Smith

Phone

305-333-4344

Address

300 E BREVARD ST

Email

W.Smith@FLPBA.ORG

Street

TALLAHASSEE

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL PBA

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 316

INTRODUCER: Rules Committee and Senator Berman

SUBJECT: Limited Liability Companies

DATE: March 26, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Favorable
2.	Bond	Cibula	JU	Favorable
3.	Dike	Yeatman	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 316 amends the Florida Revised Limited Liability Company Act in ch. 605, F.S., to provide for the creation of a protected series limited liability company (LLC) under Florida law. The bill specifies definitions, operations and governance, powers and duties, liability limitations, and requirements related to service and notice, reporting, management, merger, and dissolution.

The bill is effective July 1, 2026.

II. Present Situation:

Limited Liability Companies

A limited liability company (LLC) is a type of business organization in Florida which is formed under ch. 605, F.S., Florida's Revised Limited Liability Company Act (LLC Act). Under the LLC Act, an LLC can be organized for any lawful purpose.¹ When a business is formed as an

¹ LLCs are either member-managed, in which the management and conduct of the company are vested in the members, or manager-managed, in which the LLC designates manager(s) in its articles of organization or operating agreement. Section 605.0407, F.S.; Kenneth J. Crotty, *Florida Small Business Practice, Limited Liability Companies* (12 ed. 2024).

LLC, members² and managers³ of the LLC have a “vertical liability shield,” which limits their personal liability for company obligations.⁴

Forming Florida LLCs

In Florida, an LLC is created by naming the business, designating a registered agent, and filing articles of organization with the Department of State (DOS).⁵ The name must be distinguishable from the names of all other business entities that have registered with the DOS and must include the words “limited liability company,” “L.L.C.,” or “LLC.”⁶

Each LLC in the state must also maintain a registered agent. A registered agent must identify their business address as the same as that of the registered office of the LLC.⁷ The registered agent can be (1) an individual who lives in the state, (2) another domestic entity that is an authorized entity, or (3) a foreign entity authorized to transact business in the state that is an authorized entity.⁸

Once a name and registered agent have been chosen, an authorized representative must sign and deliver articles of organization to the DOS for filing.⁹ The articles of organization must contain the (1) name of the LLC, (2) the street and mailing address of the company’s principal office, and (3) the name, Florida street address, and written acceptance of the LLC’s registered agent.¹⁰ An LLC is officially formed when the LLC’s articles of organization become effective and when at least one person becomes a member at the time the articles of organization become effective.¹¹

Once formed, the members of an LLC may establish an operating agreement, which governs the:

- Relations among the members as members and between the members and the LLC;
- Rights and duties of the person acting in the capacity of manager;
- LLC’s activities affairs; and
- Means and conditions for amending the operating agreement.¹²

Each year, an LLC must also deliver to the DOS for filing an annual report stating:

- The LLC’s name;
- The LLC’s principal office and mailing addresses;
- The date of the LLC’s organization;

² “Member” means a person who: (a) is a member of an LLC under s. 605.0401, F.S., or was a member in a company when the company became subject to the Act; and (b) has not dissociated from the LLC under s. 605.0602, F.S. Section 605.0102(40), F.S.

³ “Manager” means a person who, under the operating agreement of a manager-managed LLC, is responsible, alone or in concert with others, for performing the management functions stated in ss. 605.0407(3) and 605.04073(2), F.S. Section 605.0102(38), F.S.

⁴ Sections 605.0304, 605.04093, F.S.

⁵ Sections 605.0112, 605.0201, F.S.

⁶ Section 605.0112(1), F.S.

⁷ Section 605.0113(1)(b), F.S.

⁸ *Id.*

⁹ Section 605.0201, F.S.

¹⁰ *Id.*

¹¹ Sections 605.0201 and 605.0207, F.S.

¹² Section 605.0105, F.S.

- The LLC's federal employer identification number¹³ or, if none exists, whether one has been applied for;
- The name, title or capacity, and address of at least one person with the authority to manage the LLC; and
- Any additional information that is necessary or appropriate to enable the DOS to carry out the LCC Act.¹⁴

Foreign LLCs Doing Business in Florida

A business entity formed as an LLC in another jurisdiction (foreign LLC) must obtain a certificate of authority from the DOS prior to transacting business in Florida. An application to obtain a certificate of authority must contain:

- The name of the foreign LLC;
- The name of the jurisdiction from which the foreign LLC comes;
- The principal office and mailing addresses of the foreign LLC;
- The name, Florida street address, and written acceptance by the foreign LLC's registered agent in Florida;
- The name, title, and address of at least one person who has the authority to manage the foreign LLC; and
- Additional information that may be necessary to enable the DOS to determine whether the foreign LLC is entitled to file an application for a certificate of authority and to determine and assess applicable fees.¹⁵

Once the DOS determines that an application complies with the filing requirements and the LLC has paid all filing fees, the DOS must file a certificate of authority application.¹⁶ The filing of the application means the foreign LLC has obtained a certificate of authority and is authorized to do business in Florida.¹⁷ Such an LLC must file annual reports as required of a domestic LLC, whose reports must include additional information pertinent to a foreign LLC as specified in the LLC Act.¹⁸

Protected Series Limited Liability Companies

In 1996, Delaware was the first state to pass legislation allowing for the formation of series LLCs.¹⁹ As this type of business entity has grown in popularity, 22 other jurisdictions have passed series LLC legislation.²⁰ In 2017, the Uniform Law Commission created the Uniform Protected Series Act (UPSA) to build a statutory framework for series LLC transactions, which

¹³ The federal employer identification number, also known as a federal tax identification number, is issued by the IRS and used to identify a business for federal tax purposes. IRS, *Employer ID Numbers*, <https://www.irs.gov/businesses/small-businesses-self-employed/employer-id-numbers> (last visited Mar. 26, 2025).

¹⁴ Section 605.0212, F.S.

¹⁵ Section 605.0902(1), F.S.

¹⁶ Section 605.0903, F.S.

¹⁷ *Id.*

¹⁸ Section 605.0212, F.S.

¹⁹ Protected Series LLC Task Force of the Florida Bar Business Law Section, *White Paper: Analysis of Proposed Additions to Chapter 605* (Oct. 27, 2024).

²⁰ *Id.*

can be “plugged” into a state’s existing LLC statutes.²¹ The UPSA contains definitions; a description of the nature and purpose of a protected series LLC, as well as its powers, purpose, and duration; a description of how a protected series is governed by the LLC’s operating agreement; and rules for applying certain provisions of a state’s existing LLC act to a protected series.²²

A series LLC consists of an overarching, “umbrella” LLC under which one or more protected series LLCs are created. Each protected series LLC has its own assets and liabilities, and while not a legally distinct entity, is treated as if it is a separate LLC. Like an LLC, a series LLC provides personal liability protection to its members.²³ In addition to this vertical liability protection, foreign series LLCs provide horizontal liability protection from the overarching LLC or other protected series LLCs under the series LLC.²⁴

Florida

While a protected series LLC formed in another state can file for a certificate of authority to engage in business in this state, Florida law also does not recognize foreign series LLCs.²⁵ Thus each protected series LLC from an out-of-state series LLC must separately apply for a certificate of authority to transact business in Florida.²⁶ Florida law also does not permit the formation of a protected series LLC within a series LLC formed in this state.²⁷

In 2020, the Business Law Section of the Florida Bar formed the Protected Series LLC Task Force (Task Force) to analyze the UPSA and consider its adoption in Florida.²⁸ The Task Force proposed that new Sections 605.2101 through 605.2802, F.S., be added to the LLC Act to authorize the formation of protected series LLCs under Florida law, using language borrowed from the UPSA with certain deviations to address particular aspects of Florida law.²⁹ The Task Force proposes such additions to the LLC Act to provide clarity for judges and lawyers handling contracts, claims, and disputes relating to foreign series LLCs.³⁰

III. Effect of Proposed Changes:

The bill adds the Uniform Protected Series Provisions in ss. 605.2101-605.2802, F.S., to allow for the formation and regulation of a protected series LLC under Florida law.

²¹ *Id.*

²² Uniform Law Commission, *Summary: Uniform Protected Series Act*, <https://www.uniformlaws.org/committees/community-home?communitykey=11843f3f-6ba5-4010-be96-8c2125fe7d31> (last visited Mar. 26, 2025).

²³ Reinaldo Gomez de la Vega, Business Law Section of the Florida Bar, *Series LLCs: Structure, Benefits, and Implications*, <https://flabizlaw.org/member-articles/series-llcs-structure-benefits-and-implications/> (last visited Mar. 26, 2025).

²⁴ Business Law Section, *supra* note 19.

²⁵ Business Law Section, *supra* note 19.

²⁶ Section 605.0902(3), F.S.; Business Law Section, *supra* note 19.

²⁷ Business Law Section, *supra* note 19.

²⁸ Business Law Section, *supra* note 19.

²⁹ Business Law Section, *supra* note 19.

³⁰ Business Law Section, *supra* note 19.

Series LLC Formation

The bill establishes provisions for the formation of a series LLC or a protected series LLC. The bill specifies that the provisions of the LLC Act applicable to the formation of an LLC also apply to the formation of a series LLC or protected series LLC, except as otherwise provided.

Section 5 specifies a short title for sections 605.2101 through 605.2802 – the “Uniform Protected Series Provisions.”

Section 6 lays out definitions for use throughout the provisions.

Establishment of a Protected Series

Section 13 creates s. 605.2201, F.S., which allows for the creation of a protected series LLC upon the affirmative vote, or consent, of all members of an LLC. After such a vote, the bill requires an LLC deliver a protected series designation, signed by the company, which states the name of the company and the name of the protected series being established, to the DOS for filing.

Under the bill, a protected series is established when the protected series designation takes effect. If the company wishes to amend a protected series designation, a series LLC must deliver a statement of designation change, signed by the company, to the DOS for filing. The statement of designation change must set forth:

- The names of the series LLC and the protected series to which the change applies;
- Each change to the protected series designation; and
- A statement that each designation change was approved by the affirmative vote or consent of the members of the series limited liability company required to make the designated change.

The amendment takes effect when the statement of designation change takes effect pursuant to existing provisions of the LLC Act.

Protected Series Name

Section 14 creates s. 605.2202, F.S., which specifies the requirements for the name of a protected series LLC. A protected series name must comply with the statutory requirements for LLC names generally. In addition, the bill requires that the name of the protected series must (1) begin with the series LLC’s name, including any word or abbreviation required by the LLC Act and (2) contain the phrase “protected series” or the abbreviation “P.S.” or “PS.”

If a series LLC changes its name, the LLC must deliver a statement of designation change to the DOS for filing for each of the LLC’s protected series, changing the name of all its protected series to comply with this section.

Nature of a Protected Series

Section 7 creates s. 605.2103, F.S., which specifies that a protected series of a series LLC is a person³¹ distinct from all of the following:

- The series LLC.
- Another protected series of the series LLC.
- A member of the series LLC, regardless of whether the member is an associated member³² of the protected series of the series LLC.
- A protected series transferee³³ of a protected series of the series LLC.
- A transferee of a transferable interest³⁴ of the series LLC.

Powers and Duration of a Protected Series

Section 8 creates s. 605.2104, F.S., stipulating that a protected series:

- Can sue and be sued in its own name.
- Generally has the same powers and purposes as the series LLC.
- Ceases to exist once the series LLC completes its winding up.
- May not:
 - Be a member of a series LLC;
 - Establish a protected series; or
 - Except as otherwise permitted by Florida law, not allowed to have a purpose or power, or take an action, that Florida law prohibits an LLC from having or doing.

Registered Agent

Section 15 creates s. 605.2203, F.S., which specifies that the registered agent in Florida for a series LLC is the registered agent for each protected series of the company. The bill requires that before delivering a protected series designation to the DOS, the series LLC must agree with a registered agent that the agent will serve as the registered agent for each protected series of the company. The person that signs the protected series designation must affirm this fact.

Under the bill, if a person ceases to be the registered agent for a series LLC, they also cease to be the registered agent for the protected series. If a person ceases to be the registered agent for the protected series, other than as a result of termination of the protected series, the person ceases to be the registered agent for the series LLC. Additionally, the bill provides that—except as otherwise agreed upon by a series LLC and its registered agent—the registered agent does not have to distinguish between the processes, notices, demands, and other records of the series LLC and the protected series.

³¹ “Person” means an individual, business corporation, nonprofit corporation, partnership, limited partnership, limited liability company, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or another legal or commercial entity. Section 605.0102, F.S.

³² An “associated member” is a member of a series LLC that meets the statutory requirements and is associated with a protected series. *See* section 605.2302, F.S.

³³ A “protected series transferee” means a person other than the series limited liability company to which all or part of a protected-series transferable interest of a protected series of a series limited liability company has been transferred.

³⁴ A “protected series transferable interest” means the right, as initially owned by a person in the person’s capacity as an associated member, to receive distributions from a protected series, whether or not the person remains a member or continues to own any part of the right. The term includes a fraction of an interest.

Foreign Series LLCs and Foreign Protected Series

Section 40 creates s. 605.2702, F.S., to provide that in determining whether a foreign series LLC or foreign protected series is transacting business in this state or is subject to personal jurisdiction of a court in this state, the following apply:

- The activities and affairs of the foreign series LLC are not attributable to one of its foreign protected series solely because the foreign protected series is a foreign protected series of the LLC.
- The activities and affairs of a foreign protected series are not attributable to the foreign series LLC or another foreign protected series of such LLC, solely because the foreign protected series is a foreign protected series of the LLC.

Section 41 creates s. 605.2703, F.S., establishing parameters for certificates of authority to transact business in this state. Under the bill, the proposed sections governing application for a certificate of authority apply to foreign series LLCs and foreign protected series as if the foreign protected series was a foreign series LLC formed separately and distinctly from the foreign series LLC. The bill also provides that an application by a foreign protected series for a certificate of authority must include the following:

- The name and governing jurisdiction of the foreign series LLC and the foreign protected series, and other information as required by the department.
- If the company has other foreign protected series, the name, title, capacity, and addresses of a person that has the authority to manage the foreign series LLC and who knows the name and addresses of:
 - Each other foreign protected series of the foreign series LLC; and
 - The foreign protected-series manager of, and registered agent for service of process on, each other foreign protected series of the foreign series LLC.

Further, the bill requires the foreign protected series to comply with specified requirements under the LLC Act, including the naming of the foreign protected series and information required to amend a certificate of authority.

Section 42 creates s. 605.2704, F.S., to provide not later than 30 days after becoming a party to a proceeding before a civil, administrative, or other adjudicative tribunal of the United States located in Florida:

- A foreign series LLC must disclose to every party the name and street and mailing addresses of:
 - Each of its foreign protected series; and
 - Each foreign protected series manager of and a registered agent for service of process for each foreign protected series.
- A foreign protected series of a foreign series LLC must disclose to every part the name and street and mailing addresses of:
 - The foreign series LLC;
 - Each manager of the foreign series LLC;
 - An agent for service of process for the foreign series LLC;
 - Any other foreign protected series LLC; and
 - Each foreign protected-series manager of and an agent for service of process for the other foreign protected series.

Under the bill, if a foreign series LLC or foreign protected series does not comply with the aforementioned disclosure requirements, a party to the proceeding may request the tribunal to treat the noncompliance as a failure to comply with the tribunal's discovery rules and/or bring a separate proceeding to the court to enforce compliance.

Operations and Governance

The bill specifies that the provisions of the LLC Act applicable to LLCs in general, and their members and managers, including, but not limited to, provisions relating to LLC operation, existence, and management; court proceedings; and filings with the DOS and other state or local government agencies, generally apply to each series LLC and to each protected series established under s. 605.2201, F.S. The bill also creates provisions of the LLC Act applicable only to the operation and governance of a series LLC and a protected series.

Governing Law

Sections 9 and 39 create s. 605.2105 and 605.2701, F.S., to establish the governing law for protected series operating in Florida. Florida law governs:

- The internal affairs of a protected series or a foreign protected series.
- The relations between a protected series and specified parties, including the series LLC and another protected series of such LLC.
- The liability of a person for a debt, an obligation, or another liability of a protected series or foreign protected series arising under specified circumstances.
- The liability of a series LLC or foreign series LLC for a debt, obligation, or other liability of its protected series arising under specified circumstances.
- The liability of a protected series or foreign protected series for a debt, obligation, or other liability of the series LLC or foreign series LLC arising under specified circumstances.

Operating Agreements

Section 10 creates s. 605.2106, F.S., to provide that a protected series' operating agreement generally governs the internal affairs of a protected series and relations among the protected series and specified parties. The bill also establishes how a series LLC can handle matters in an authorized manner when such matters are not specified in the operating agreement, and how certain restrictions on operating agreements imposed by the LLC Act or other laws apply.

Section 11 creates s. 650.2107, F.S., to provide that operating agreements for a series LLC may not vary the effect of specified provisions of law created by the bill, except as otherwise specified. The bill also establishes that an operating agreement may not unreasonably restrict the duties and rights of a person who is not an associated member of a protected series to information concerning the protected series; however, the agreement may impose reasonable restrictions on the availability and use of such information, and may provide appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use.

Application

Section 12 creates s. 605.2108, F.S., to establish specific provisions and exemptions for the application of ch. 605, F.S.

Issuance of Certificate of Status

Section 4 amends s. 605.0211, F.S., making technical changes to language and adding references to foreign LLCs, to conform this statute with other provisions of the bill.

Section 17 creates s. 605.2205, F.S., to establish that the DOS must issue a certificate of status for protected series or foreign protected series upon compliance with statutory requirements, if:

- The records filed with the DOS show that DOS has accepted and filed articles of organization for the series LLC and a protected series designation for the protected series.
- For a foreign protected series, the records filed with the DOS show that DOS has filed a certificate of authority for the foreign series LLC and a certificate of authority for the foreign protected series.

A certificate must contain specified information, including:

- The name of the series LLC, the name of the protected series, the date the protected series designation took effect, and other requisite information.
- For a foreign protected series, the foreign series LLC name, the foreign protected series' name, the fact that the foreign series is authorized to transact business in Florida, and other requisite information.

Under the bill, the certificate may be relied on as conclusive evidence of the facts stated therein, subject to any qualifications stated by the DOS in the certificate.

Annual Report

Section 18 creates s. 605.2206, F.S., to require that a series LLC include the name of each protected series in its annual report for which the (1) series LLC has delivered to the DOS for filing a protected series designation and (2) which has not dissolved and completed winding up. The failure of the series LLC to comply with this requirement prevents issuance of a certificate of status pertaining to the protected series but does not otherwise affect the protected series.

Similarly, a registered foreign series LLC must include the name of each registered foreign protected series in its annual report for which the (1) foreign series LLC has delivered to the DOS for filing an application for certificate of authority to transact business in the state and (2) which has not withdrawn its certificate of authority.

Associated Assets

Section 19 creates s. 605.2301, F.S., to provide that only an asset of a protected series may be an associated asset of the protected series, while only an asset of a series LLC may be an associated asset of the series LLC. Further, the bill specifies that an asset of a protected series is an associated asset of the protected series, and an asset of a series LLC is an associated asset of the series LLC, only if the protected series or series LLC creates and maintains specified records that state the name of the protected series or series LLC and describe the asset with sufficient specificity to permit a disinterested, reasonable individual to make specified determinations about the asset. Such records may be organized by specific listing, category, type, quantity, or computational or allocational formula or procedure, including a percentage or share of any asset, or in any other reasonable manner.

Further, a series LLC or protected series may, to the extent authorized by law, hold an associated asset directly or indirectly, except that:

- A protected series may not hold an associated asset in the name of the series LLC or another protected series of such LLC; and
- The series LLC may not hold an associated asset in the name of its protected series.

The bill also provides for the effect of a deed or other instrument granting an interest in real property to or from a series LLC or one or more protected series of a series LLC, or any other instrument otherwise affecting an interest in real property held by such entity, in each case to the extent such deed or other instrument is recorded in the office for recording transfers or other matters affecting real property and specified records are maintained.

Associated Member

Section 20 creates s. 605.2302, F.S., to specify that only a member of a series LLC may be an associated member of a protected series. A member becomes an associated member of a protected series of the company if the operating agreement or a procedure established by the operating agreement states all of the following:

- That the member is an associated member of the protected series;
- The date on which the member became an associated member of the protected series; and
- Any protected-series transferable interest the associated member has in connection with becoming or being an associated member of the protected series.

Under the bill, if a person that is an associated member of a protected series of the series LLC is disassociated from the company, the person ceases to be an associated member of the protected series.

Protected Series Transferrable Interest

Section 21 creates s. 605.2303, F.S., to provide that a protected-series transferable interest of a protected series of a series LLC must be owned initially by an associated member of the protected series of the series LLC. Additionally, if a protected series of a series LLC has no associated members when established, the company owns the protected-series transferable interests in the protected series. A series LLC may also acquire a protected-series transferable interest through a transfer from another person or as provided in the operating agreement.

Further, except as otherwise specified, any provision of the LLC Act which applies to a protected-series transferee of a protected series of a series LLC applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series. Any provision of the operating agreement of a series LLC which applies to a protected-series transferee of a protected series of a series LLC applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series.

Management

Section 22 creates s. 605.2304, F.S., to provide that a protected series may have one or more protected-series managers; and if a protected series has no associated members, the series LLC is the protected-series manager. The bill also provides for the determination of any duties of a

protected-series manager to: (1) the protected series, (2) any associated member of the protected series, and (3) any protected-series transferee of the protected series.

However, the person acting as a protected-series manager owes no duty to:

- The series LLC;
- Another protected series of the series LLC;
- Another person in that person acting in their capacity as:
 - A member of the series LLC which is not an associated member of the protected series;
 - A protected-series transferee or protected-series manager of another protected series; or
 - A transferee of the series LLC.

Further, the bill provides that an associated member of a protected series has the same rights as any other member of the company to vote on or consent to an amendment to the company's operating agreement or other matters being decided by members, regardless of whether the amendment or matter affects the interests of the protected series or associated member. The bill also specifies that the right of a member to maintain a derivative action to enforce a right of an LLC applies to an associated member of a protected series and a member of a series LLC.

Under the bill, an associated member of a member-managed protected series is an agent for the protected series with the power to bind the protected series to the same extent that a member of the member-managed LLC is an agent for the company with power to bind the company. Similarly, a protected-series manager of a manager-managed protected series is an agent for the protected series with power to bind the protected series to the same extent that a manager of a manager-managed LLC is an agent for the company with power to bind the company.

Right of Non-Associated Members to Information of Protected Series

Section 23 creates s. 650.2305, F.S., to establish the right to information concerning the protected series of a member of a series LLC which is not an associated member of the protected series of the company; a person who was formerly an associated member of a protected series; the legal representative of a deceased associated member of a protected series; and a protected series manager of a protected series. This section guarantees the same rights to information concerning the protected series that counterparts to those listed have under the LLC Act. The bill also requires that court-ordered inspection provisions of s. 605.0411, F.S., apply to the information rights regarding series LLCs and protected series.³⁵

Entity Transactions

Section 31 creates definitions for use in the provisions relating to entity transactions and mergers.

Sections 32 and 33 create ss. 605.2602 and 605.2603, F.S., respectively, to provide that a protected series and a series LLC, respectively, may not participate or be a party to, result from,

³⁵ Section 605.0411, F.S., applies if an LLC does not allow a member, manager, or other person who complies with applicable law to inspect and copy any records required to be available for inspection. Under this section, the circuit court may summarily order inspection and copying of the records demanded under specified circumstances, and may order the LLC to pay the costs, including reasonable attorney fees, incurred by the member, manager, or other person seeking the records to obtain the order and enforce its rights.

or be formed, organized, established, or created by a conversion,³⁶ domestication,³⁷ interest exchange,³⁸ merger,³⁹ or other transaction with the same substantive effect as a merger in this state or a foreign jurisdiction.

Mergers

Section 34 creates s. 605.2604, F.S., to authorize a series LLC to be a party to a merger, only if:

- Each other party to the merger is an LLC; and
- The surviving company is not created in a merger.

Section 35 creates s. 605.2605, F.S., to require that the plan of a merger:

- Comply with s. 605.1022, F.S., relating to the contents of a plan of merger of an LLC; and
- State specified information in a record, which depends on whether the protected series is a protected series of a non-surviving company,⁴⁰ a protected series of a surviving company, a relocated protected series,⁴¹ a continuing protected series,⁴² or a protected series to be established by the surviving company.

Section 36 creates s. 605.2606, F.S., to require that the articles of a merger:

- Comply with s. 605.1025, F.S., relating to articles of a merger.
- Include as an attachment one of the appropriate records: a statement of designation cancellation and termination, a state of relocation and a statement of protected series designation, or a signed protected series designation.

Effects of Merger

Section 37 creates s. 605.2607, F.S., establishing that when a merger of a protected series becomes effective, all of the following apply:

- As provided in the plan of merger, each protected series of each merging series LLC is either a relocated protected series, a continuing protected series, or is dissolved, wound up, and terminated.
- Any protected series to be established because of the merger is established.
- As it pertains to relocated protected series or continuing protected series:
 - It is the same person without interruption as it was before the merger.
 - All property continues to be vested in a protected series without transfer, reversion, or impairment.
 - All debts, obligations, and other liabilities continue as such.
 - All rights, privileges, immunities, powers, and purposes remain.
- The new name of a relocated protected series may be substituted for the former name in any pending action or proceeding.

³⁶ A “conversion” is a transaction authorized under ss. 605.1041-605.1046, F.S.

³⁷ A “domestication” is a transaction authorized under ss. 605.1051-605.1056, F.S.

³⁸ An “interest exchange” is a transaction authorized under ss. 605.1031-605.1036, F.S.

³⁹ A “merger” is a transaction authorized under ss. 605.1021-605.1026, F.S.

⁴⁰ “Surviving company” means a merging company that continues in existence after a merger.

⁴¹ “Relocated protected series” means a protected series of a non-surviving company which, after a merger, continues in uninterrupted existence as a protected series of the surviving company.

⁴² “Continuing protected series” means a protected series of a surviving series LLC which continues in uninterrupted existence after a merger.

- To the extent provided in the plan of merger, the bill sets out that:
 - A person becomes an associated member or a protected-series transferee of a relocated protected series or continuing protected series.
 - A person becomes an associated member of a protected series established by the surviving company because of the merger.
 - Any change in the rights or obligations of a person, in the person's capacity as an associated member or a protected-series transferee of a relocated protected series or continuing protected series, takes effect.
 - Any consideration to be paid to a person, that before the merger was an associated member or a protected-series transferee of a relocated protected series or continuing protected series, is due.
- Any person that is an associated member of a relocated protected series becomes a member of the surviving company.

Section 38 creates s. 605.2608, F.S., establishing the manner in which a creditor's rights, which existed immediately before a merger, may be enforced after the merger.

Dissolution and Reinstatement

The bill establishes the methods by which a protected series may be voluntarily or automatically dissolved under the LLC Act.

Events Causing Dissolution of a Protected Series

Section 28 creates s. 605.2501, F.S., to provide that a protective series of a series LLC is dissolved, and its activities and affairs wound up, upon the occurrence of one of the following:

- Dissolution of the series LLC.
- Occurrence of an event/circumstance in the operating agreement that triggers dissolution.
- Affirmative vote or consent of all associated members.
- Entry by the court of an order dissolving the protected series on application by an associated member or a protected-series manager under specified circumstances.
- Entry by the court of an order dissolving the protected series on application by the series LLC or a member or manager of the series LLC, under specified circumstances.
- Automatic or involuntary dissolution of the series LLC that established the protected series.
- The filing of a state of administrative dissolution of the series LLC or protected series by the DOS.

Winding Up Dissolved Protected Series

Section 29 creates s. 605.2502, F.S., to provide the manner of dissolution, specifying that a protected series may deliver to the DOS for filing its articles of protected series dissolution and the series LLC deliver for filing the statement of designation cancellation. The bill requires that a dissolved protected series wind up its activities in the same manner, or be dissolved by judicial supervision or other remedy, that a dissolved LLC is under s. 605.0709, F.S. Further, the bill specifies that a series LLC has not completed its winding up until each of its protected series has completed its winding up.

Effects of Reinstatement or Revocation of Voluntary Dismissal

Section 30 creates s. 605.2503, F.S., to establish that, if a series LCC that has been administratively dissolved is reinstated, or if a series LLC that voluntarily dissolved revokes its articles of dissolution prior to filing a statement of termination:

- Each protected series of the series LLC ceases winding up; and
- The provisions of s. 605.0708, F.S., relating to revocation of articles of dissolution, apply to the series LLC and to each protected series as specified in law.

Liability Limitations

The bill recognizes both the traditional, vertical liability shield of an LLC and the new, horizontal liability shield of a series LLC, and establishes the limitations of such shields as applied to a series LLC.

Liability Shield

Section 24 creates s. 605.2401, F.S., to provide that a person is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, an obligation, or other liability of:

- A protected series of a series LLC solely by reason of being or acting as:
 - An associated member, protected-series manager, or protected-series transferee of the protected series; or
 - A member, manager, or a transferee of the series LLC.
- A series LLC solely by reason of being or acting as an associated member, protected-series manager, or protected-series transferee of a protected series of the LLC.

Additionally, the bill specifies that:

- A series LLC's debt, obligation, or other liability is solely the debt, obligation, or liability of the series LLC.
- A protected series' debt, obligation, or other liability is solely the debt, obligation, or liability of the protected series.
- A series LLC is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of its protected series solely by reason of the protected series being a protected series of the series LLC, or the series LLC:
 - Being or acting as a protected-series manager of the protected series;
 - Having the protected series manage the series LLC; or
 - Owning a protected-series transferrable interest of the protected series.
- A protected series is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the series LLC or another protected series of the series LLC, solely by reason of:
 - Being a protected series of the series LLC;
 - Being or acting as a manager of the series LLC or a protected-series manager of another protected series of the company; or
 - Having the series LLC or another protected series of the company be or act as a protected-series manager of the protected series.

Claim Seeking to Disregard Liability Limitation

Section 25 creates s. 605.2402, F.S., to provide that a claim seeking to disregard a liability limitation pertaining to a series LLC, a protected series, or person connected thereto, including a principle providing a right to a creditor or holding a person liable for a debt, obligation, or other liability of another person, is governed by the principles of law and equity which would apply if each protected series were an LLC formed separately from the series LLC and distinct from the series LLC and any other protected series of such LLC. The bill also specifies that:

- The failure of an LLC or protected series to observe formalities relating to the exercise of its powers over its affairs is not grounds to disregard a limitation in s. 605.2401(1), F.S., relating to the liability of persons acting in specified roles, but may be grounds to disregard a limitation in s. 605.2401(2), F.S., relating to the liability of a protected series or series LLC.
- This section applies to a claim seeking to disregard a liability limitation applicable to a foreign series LLC or a foreign protected series and comparable to a limitation stated in s. 605.2401, F.S., if:
 - The claimant is a Florida resident, transacting business in Florida, or authorized to transact business in Florida; or
 - The claim is to establish or enforce a liability arising under Florida law other than the LLC Act or from an act or omission in Florida.

Remedies of Certain Judgment Creditors

Section 26 creates s. 605.2403, F.S., to specify that the provisions of s. 605.0503, F.S., which provides or restricts remedies available to a judgement creditor of a member or transferee of an LLC, apply to the judgement creditor of:

- An associated member or other holder of a protected-series transferable interest of a protected series of a series LLC or a foreign series LLC; and
- A series LLC, to the extent the company owns a protected-series transferable interest of a protected series.

Enforcement of Claim Against Non-Associated Assets

Section 27 creates s. 605.2404, F.S., to establish that, if a claim against a series LLC or protected series has been reduced to judgement, in addition to any other remedy provided by law or equity, the judgment may be enforced in accordance with the following:

- A judgment against a series LLC may be enforced against an asset of a protected series of the LLC if the asset:
 - Was a non-associated asset of the protected series on the incurrence date;⁴³ or
 - Is a non-associated asset of the protected series on the enforcement date.⁴⁴
- A judgment against a protected series may be enforced against the series LLC if the asset:
 - Was a non-associated asset of the series LLC on the incurrence date; or
 - Is a non-associated asset of the series LLC on the enforcement date.

⁴³ "Incurrence date" means the date on which a series limited liability company or protected series of the company incurred the liability giving rise to a claim that a claimant seeks to enforce under this section, under s. 605.2404, F.S.

⁴⁴ "Enforcement date" means 12:01 a.m. on the date on which a claimant first serves process on a series limited liability company or protected series in an action seeking to enforce a claim against an asset of the company or protected series by attachment, levy, or similar means under s. 605.2404, F.S.

- A judgment against a protected series may be enforced against an asset of another protected series of the series LLC if the asset:
 - Was a non-associated asset of the other protected series on the incurrence date; or
 - Is a non-associated asset of the other protected series on the enforcement date.

Further, the bill specifies that:

- If a claim against a series LLC or a protected series has not been reduced to a judgment, and a law other than the LLC Act authorizes a prejudgment remedy by attachment,⁴⁵ levy,⁴⁶ or the like, the court may apply s. 604.2404(2), F.S., as a prejudgment remedy.
- The party asserting that an asset is or was an associated asset of a series LLC or a protected series has the burden of proof on the issue.
- Section 605.2404, F.S., applies to an asset of a foreign series LLC or foreign protected series under specified circumstances, including that the asset is real or tangible property in Florida.

Other Provisions

Service of Process

Section 1 amends s. 48.062, F.S., to define the terms “registered foreign protected series of a foreign series LLC” and “registered foreign series LLC.” This statute is amended to establish service of process on series LLCs, so that:

- Service on a series LLC is notice to each protected series thereof;
- Service on a protected series LLC is notice to the series LLC and each protected series thereof;
- Service on a registered foreign series LLC is notice to each protected series thereof; and
- Service on a registered foreign protected series is notice to the foreign series LLC and any other registered foreign series thereof.

Section 3 amends s. 605.0117, F.S., removing the paragraph referencing service of foreign series LLCs, as that subject matter is covered by new statutes created by the bill.

Section 16 creates s. 605.2204, F.S., which provides that process against a series LLC, a protected series, a registered foreign series LLC, or a registered foreign protected series may be serviced in the same manner as service is made on such entity under s. 48.062 and chapters 48 or 49, F.S. Under the bill, any notice or demand on a series LLC or protected series LLC may be given or made to any member of a member-managed series LLC, to any manager of a manager-managed LLC, to the registered agent of a series LLC at the registered office of the series LLC in Florida, or to any other address in Florida which is the principal Florida office of the series LLC. Similarly, any notice or demand on a registered foreign series LLC or a registered foreign protected series may be given or made to any member of a member-managed foreign series LLC, any manager of a manager-managed foreign series LLC, the registered agent of the registered

⁴⁵ An “attachment” is a court order directing the freezing or seizure of specific assets belonging to a debtor, pending the outcome of a civil matter involving a creditor who may obtain a judgment in his or her favor that could be satisfied by the sale or application of the assets. See Legal Information Institute, *Attachment*, <https://www.law.cornell.edu/wex/attachment> (last visited Mar. 26, 2025).

⁴⁶ A “levy” is the court-ordered seizure and sale of property to satisfy a delinquent debt or judgment. Legal Information Institute, *Levy*, <https://www.law.cornell.edu/wex/levy> (last visited Mar. 26, 2025).

foreign series LLC at the registered office of the foreign series LLC, or the principal office address, or any other Florida address, which is the principal Florida office of the registered foreign series LLC. However, the bill does not affect the right to serve process on, give notice to, or make a demand on a series LLC, a protected series LLC, a foreign series LLC, or a protected foreign series LLC in any other manner provided by law.

Notice

Section 2 amends s. 605.0103, F.S., changing an internal reference affecting knowledge and notice under ch. 605, F.S., the Florida Revised Limited Liability Company Act.

Electronic Signatures

Section 43 creates s. 605.2801, F.S., to require that s. 605.1102, F.S., relating to the applicability of the Electronic Signatures in Global and National Commerce Act, applies to the Uniform Protected Series Provisions.

Effective Date

Section 44 creates s. 605.2802, F.S., to provide that:

- Beginning July 1, 2026, Chapter 605, F.S., governs all domestic and foreign series LLCs, all domestic protected series, and all foreign series that do business in Florida.
- A domestic LLC formed before July 1, 2026, may not create or designate any protected series before the bill's effective date.

Section 45 provides an effective date of July 1, 2026.

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 identified.

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

None.

B. Private Sector Impact:

Indeterminate. New or additional business entities may organize and do business in the state.

C. Government Sector Impact:

Indeterminate. New or additional entities registering with the Department of State may marginally increase their workload.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 48.062, 605.0103, 605.0117, and 605.0211.

This bill creates the following sections of the Florida Statutes: 605.2101, 605.2102, 605.2103, 605.2104, 605.2105, 605.2106, 605.2107, 605.2108, 605.2201, 605.2202, 605.2203, 605.2204, 605.2205, 605.2206, 605.2301, 605.2302, 605.2303, 605.2304, 605.2305, 605.2401, 605.2402, 605.2403, 605.2404, 605.2501, 605.2502, 605.2503, 605.2601, 605.2602, 605.2603, 605.2604, 605.2605, 605.2606, 605.2607, 605.2608, 605.2701, 605.2702, 605.2703, 605.2704, 605.2801, and 605.2802.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on March 26, 2025:

The amendment changes the effective date, and related dates for LLC governance, in the bill.

B. Amendments:

None.

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



386758

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2025	.	
	.	
	.	
	.	

The Committee on Rules (Berman) recommended the following:

Senate Amendment

Delete lines 1784 - 1791
and insert:

(1) Beginning July 1, 2026, this chapter governs all domestic and foreign protected series limited liability companies and all domestic protected series and all foreign series that transact business in this state.

(2) A domestic limited liability company formed before July 1, 2026, may not create or designate any protected series before the effective date of this act.



386758

12

Section 45. This act shall take effect July 1, 2026.

By Senator Berman

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1 A bill to be entitled
 2 An act relating to limited liability companies;
 3 amending s. 48.062, F.S.; defining the terms
 4 "registered foreign protected series of a foreign
 5 series limited liability company" and "registered
 6 foreign series limited liability company"; specifying
 7 that certain limited liability companies are
 8 considered a nonresident under certain circumstances;
 9 providing for service of a summons and complaint on
 10 such companies and series; specifying that such
 11 service serves as notice to such companies and series;
 12 amending s. 605.0103, F.S.; correcting a cross-
 13 reference; amending s. 605.0117, F.S.; conforming a
 14 provision to changes made by the act; amending s.
 15 605.0211, F.S.; revising requirements for certificates
 16 of status; creating s. 605.2101, F.S.; providing a
 17 short title; creating s. 605.2102, F.S.; defining
 18 terms; creating s. 605.2103, F.S.; providing that a
 19 protected series of a series limited liability company
 20 is a person distinct from certain other entities;
 21 creating s. 605.2104, F.S.; providing for powers and
 22 prohibitions for protected series of series limited
 23 liability companies; creating s. 605.2105, F.S.;
 24 providing construction; creating s. 605.2106, F.S.;
 25 providing construction regarding protected series
 26 operating agreements; providing applicability with
 27 regard to certain restrictions on limited liability
 28 companies; creating s. 605.2107, F.S.; providing
 29 prohibitions and authorizations relating to operating

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30 agreements; creating s. 605.2108, F.S.; providing
 31 applicability; creating s. 605.2201, F.S.; authorizing
 32 domestic limited liability companies to establish
 33 protected series; specifying requirements for
 34 establishing protected series and amending protected
 35 series designations; creating s. 605.2202, F.S.;
 36 specifying requirements for naming a protected series;
 37 creating s. 605.2203, F.S.; providing specifications
 38 and requirements for the registered agent for a
 39 protected series; specifying requirements relating to
 40 protected series designations; specifying that a
 41 registered agent is not required to distinguish
 42 between certain processes, notices, demands, and
 43 records unless otherwise agreed upon; creating s.
 44 605.2204, F.S.; authorizing service on, and provision
 45 of notice and demand to, certain limited liability
 46 companies and protected series in a specified manner;
 47 providing that certain notice is effective regardless
 48 of whether any notice or demand identifies a person if
 49 certain requirements are met; providing authorizations
 50 relating to certain services and notices; providing
 51 construction; creating s. 605.2205, F.S.; requiring
 52 the Department of State to issue a certificate of
 53 status under certain circumstances; specifying
 54 requirements for certificates of status; providing
 55 that a certificate of status may be relied upon as
 56 conclusive evidence of the facts stated in the
 57 certificate; creating s. 605.2206, F.S.; requiring
 58 series limited liability companies and registered

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59 foreign series limited liability companies to include
 60 specified information in a required annual report;
 61 specifying that failure to include such information
 62 prevents a certificate of status from being issued;
 63 creating s. 605.2301, F.S.; specifying that only
 64 certain assets may be considered associated assets;
 65 specifying requirements for an asset to be considered
 66 an associated asset; authorizing that certain records
 67 and recordkeeping be organized in a specified manner;
 68 authorizing series limited liability companies or
 69 protected series of such companies to hold an
 70 associated asset in a specified manner; providing
 71 exceptions; creating s. 605.2302, F.S.; specifying
 72 requirements for becoming an associated member of a
 73 protected series of a series limited liability
 74 company; creating s. 605.2303, F.S.; requiring that
 75 protected-series transferable interests be owned
 76 initially by an associated member of the protected
 77 series or the series limited liability company;
 78 providing for ownership when a protected series of a
 79 series limited liability company does not have
 80 associated members upon establishment under certain
 81 circumstances; authorizing series limited liability
 82 companies to acquire such interests by transfer;
 83 providing applicability; creating s. 605.2304, F.S.;
 84 authorizing a protected series to have one or more
 85 protected-series managers; specifying that if a
 86 protected series does not have associated members, the
 87 series limited liability company is the protected-

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88 series manager; providing applicability; specifying
 89 that a person does not owe a duty to specified
 90 entities for certain reasons; providing rights of
 91 associated members; providing applicability;
 92 specifying that an associated member of a member-
 93 managed protected series, or a protected-series
 94 manager of a manager-managed protected series, is an
 95 agent for the protected series and has a specified
 96 power; creating s. 605.2305, F.S.; providing rights
 97 for certain persons relating to information concerning
 98 protected series; providing applicability; creating s.
 99 605.2401, F.S.; providing limitations on liability for
 100 certain persons; creating s. 605.2402, F.S.;
 101 specifying that certain claims are governed by
 102 specified provisions; specifying that the failure of
 103 limited liability companies or protected series to
 104 observe certain formalities is not a ground to
 105 disregard a specified limitation; providing
 106 applicability; creating s. 605.2403, F.S.; specifying
 107 that certain provisions relating to the provision or
 108 restriction of remedies apply to certain judgment
 109 creditors; creating s. 605.2404, F.S.; defining the
 110 terms "enforcement date" and "incurrence date";
 111 authorizing that certain judgments be enforced in
 112 accordance with specified provisions; authorizing
 113 courts to provide a specified prejudgment remedy;
 114 providing that a party making a certain assertion has
 115 the burden of proof in specified proceedings;
 116 providing applicability; creating s. 605.2501, F.S.;

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117 providing events causing the dissolution of protected
 118 series of series limited liability companies; creating
 119 s. 605.2502, F.S.; specifying requirements and
 120 authorizations relating to dissolved protected series;
 121 specifying that a series limited liability company has
 122 not completed winding up until each of the protected
 123 series of the company has done so; creating s.
 124 605.2503, F.S.; providing for the effect of
 125 reinstatement of series limited liability companies
 126 and revocation of voluntary dissolutions; creating s.
 127 605.2601, F.S.; defining terms; creating s. 605.2602,
 128 F.S.; prohibiting protected series from involvement in
 129 certain transactions; creating s. 605.2603, F.S.;
 130 prohibiting series limited liability companies from
 131 involvement in certain transactions; creating s.
 132 605.2604, F.S.; authorizing series limited liability
 133 companies to be a party to a merger under certain
 134 circumstances; creating s. 605.2605, F.S.; requiring
 135 that plans of merger meet certain requirements;
 136 creating s. 605.2606, F.S.; requiring articles of
 137 merger to meet certain requirements; creating s.
 138 605.2607, F.S.; providing for effects of mergers of
 139 protected series; creating s. 605.2608, F.S.;
 140 providing the means for enforcement of creditors'
 141 rights; providing applicability of certain provisions
 142 after a merger; creating s. 605.2701, F.S.; providing
 143 that the law of the governing jurisdiction of a
 144 foreign series limited liability company's formation
 145 governs certain aspects of the internal affairs of the

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146 foreign series limited liability company; providing
 147 applicability; creating s. 605.2702, F.S.; specifying
 148 requirements for making a specified determination
 149 relating to certain companies transacting business in
 150 this state or being subject to the personal
 151 jurisdiction of the courts in this state; creating s.
 152 605.2703, F.S.; providing applicability of laws of
 153 this state relating to certificates of authority for
 154 foreign series limited liability companies and foreign
 155 protected series of such companies; requiring that an
 156 application by a foreign protected series for a
 157 certificate of authority include certain information
 158 and comply with specified provisions; providing
 159 applicability; creating s. 605.2704, F.S.; requiring
 160 foreign series limited liability companies and foreign
 161 protected series of such companies to make specified
 162 disclosures; tolling such requirements under certain
 163 circumstances; authorizing certain parties to make a
 164 specified request or bring a separate proceeding if
 165 such company or series fails to make the disclosures;
 166 creating s. 605.2801, F.S.; providing applicability of
 167 provisions relating to electronic signatures; creating
 168 s. 605.2802, F.S.; providing construction; prohibiting
 169 domestic limited liability companies from creating or
 170 designating any protected series before a specified
 171 date; providing an effective date.

172
 173 Be It Enacted by the Legislature of the State of Florida:
 174

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Section 1. Present subsection (7) of section 48.062, Florida Statutes, is redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsections (1) and (6) of that section are amended, to read:

48.062 Service on a domestic limited liability company or registered foreign limited liability company.—

(1) As used in this section, the term:

(a) "Registered foreign limited liability company" means a foreign limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.

(b) "Registered foreign protected series of a foreign series limited liability company" means a protected series of a foreign series limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.

(c) "Registered foreign series limited liability company" means a foreign series limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.

(6) A foreign limited liability company, foreign series limited liability company, or foreign protected series of a foreign series limited liability company engaging in business in this state which is not registered is considered, for purposes of service of process, a nonresident engaging in business in this state and may be served pursuant to s. 48.181 or by order of the court under s. 48.102.

(7) Service of a summons and complaint on a series limited

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liability company is notice to each protected series of the series limited liability company of service of the summons and complaint and the contents of the complaint.

(8) Service of a summons and complaint on a protected series of a series limited liability company is notice to the series limited liability company and any other protected series of the series limited liability company of service of the summons and complaint and the contents of the complaint.

(9) Service of a summons and complaint on a registered foreign series limited liability company is notice to each registered foreign protected series of the registered foreign series limited liability company of service of the summons and complaint and the contents of the complaint.

(10) Service of a summons and complaint on a registered foreign protected series of a foreign series limited liability company is notice to the foreign series limited liability company and to any other registered foreign protected series of the foreign series limited liability company of service of the summons and complaint and the contents of the complaint.

(11) This section does not apply to service of process on insurance companies.

Section 2. Subsection (1) of section 605.0103, Florida Statutes, is amended to read:

605.0103 Knowledge; notice.—

(1) A person knows a fact if the person:

(a) Has actual knowledge of the fact; or

(b) Is deemed to know the fact under paragraph (4)(a) ~~(4)(b)~~, or a law other than this chapter.

Section 3. Subsection (3) of section 605.0117, Florida

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Statutes, is amended to read:

605.0117 Serving process, giving notice, or making a demand.—

~~(3) A registered series of a foreign series limited liability company may be served in the same manner as a registered limited liability company.~~

Section 4. Paragraphs (c) through (g) of subsection (1) and subsection (2) of section 605.0211, Florida Statutes, are amended to read:

605.0211 Certificate of status.—

(1) The department, upon request and payment of the requisite fee, shall issue a certificate of status for a limited liability company if the records filed in the department show that the department has accepted and filed the company's articles of organization. A certificate of status must state the following:

(c) Whether all fees and penalties due to the department under this chapter have been paid.

(d) Whether ~~if~~ the company's most recent annual report required under s. 605.0212 has ~~not~~ been filed by the department.

(e) Whether ~~if~~ the department has administratively dissolved the company or received a record notifying the department that the company has been dissolved by judicial action pursuant to s. 605.0705.

(f) Whether ~~if~~ the department has filed articles of dissolution for the company.

(g) Whether ~~if~~ the department has accepted and filed a statement of termination.

(2) The department, upon request and payment of the

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requisite fee, shall furnish a certificate of status for a foreign limited liability company if the filed records ~~filed~~ show that the department has filed a certificate of authority for that company. A certificate of status for a foreign limited liability company must state the following:

(a) The foreign limited liability company's name and any current alternate name adopted under s. 605.0906(1) for use in this state.

(b) That the foreign limited liability company is authorized to transact business in this state.

(c) Whether all fees and penalties due to the department under this chapter or other law have been paid.

(d) Whether ~~if~~ the foreign limited liability company's most recent annual report required under s. 605.0212 has ~~not~~ been filed by the department.

(e) Whether ~~if~~ the department has:

1. Revoked the foreign limited liability company's certificate of authority; or

2. Filed a notice of withdrawal of certificate of authority of the foreign limited liability company.

Section 5. Section 605.2101, Florida Statutes, is created to read:

605.2101 Short title.—Sections 605.2101-605.2802 may be cited as the "Uniform Protected Series Provisions."

Section 6. Section 605.2102, Florida Statutes, is created to read:

605.2102 Definitions.—As used in ss. 605.2101-605.2802, the term:

(1) "Asset" means either of the following:

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- 291 (a) Property in which a series limited liability company or
 292 a protected series has rights; or
- 293 (b) Property as to which the series limited liability
 294 company or protected series has the power to transfer rights.
- 295 (2) "Associated asset" means an asset that meets the
 296 requirements of s. 605.2301.
- 297 (3) "Associated member" means a member that meets the
 298 requirements of s. 605.2302.
- 299 (4) "Foreign protected series" means a series, protected
 300 series, protected cell, segregated account, or similar part of a
 301 foreign limited liability company, however the part is
 302 denominated, which is established under law that limits, or
 303 limits if conditions specified under law are satisfied, the
 304 liability of the part to a creditor of the foreign company or of
 305 another part of the structure, regardless of whether the law
 306 uses the term "protected series."
- 307 (5) "Foreign series limited liability company" means a
 308 foreign limited liability company that has at least one foreign
 309 series or protected series.
- 310 (6) "Non-associated asset" means either of the following:
- 311 (a) An asset of a series limited liability company which is
 312 not an associated asset of the company; or
- 313 (b) An asset of a protected series of a series limited
 314 liability company which is not an associated asset of the
 315 protected series.
- 316 (7) "Person" has the same meaning as in s. 605.0102 and
 317 includes a protected series, however denominated, of an entity
 318 if the protected series is established under law that limits, or
 319 limits if conditions specified under law are satisfied, the

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- 320 ability of a creditor of the entity or of another protected
 321 series of the entity to satisfy a claim from assets of the
 322 protected series.
- 323 (8) "Protected series," except in the phrase "foreign
 324 protected series," means a protected series established under s.
 325 605.2201.
- 326 (9) "Protected-series manager" means a person under whose
 327 authority the powers of a protected series are exercised and
 328 under whose direction the activities and affairs of the
 329 protected series are managed under the operating agreement and
 330 this chapter.
- 331 (10) "Protected-series transferable interest" means the
 332 right, as initially owned by a person in the person's capacity
 333 as an associated member, to receive distributions from a
 334 protected series, regardless of whether the person remains a
 335 member or continues to own any part of the right. The term
 336 includes a fraction of an interest.
- 337 (11) "Protected-series transferee" means a person other
 338 than the series limited liability company to which all or part
 339 of a protected-series transferable interest of a protected
 340 series of a series limited liability company has been
 341 transferred. The term includes a person that owns a protected-
 342 series transferable interest as a result of ceasing to be an
 343 associated member of a protected series.
- 344 (12) "Registered foreign protected series" means a
 345 protected series of a foreign series limited liability company
 346 that has an active certificate of authority to transact business
 347 in this state pursuant to a record filed with the department.
- 348 (13) "Registered foreign series limited liability company"

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means a foreign series limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the department.

(14) "Series limited liability company," except in the phrase "foreign series limited liability company," means a domestic limited liability company that has at least one protected series.

Section 7. Section 605.2103, Florida Statutes, is created to read:

605.2103 Nature of protected status.—A protected series of a series limited liability company is a person distinct from all of the following:

(1) The series limited liability company, subject to ss. 605.2104(3), 605.2501(1), and 605.2502(4).

(2) Another protected series of the series limited liability company.

(3) A member of the series limited liability company, regardless of whether the member is an associated member of the protected series of the series limited liability company.

(4) A protected-series transferee of a protected series of the series limited liability company.

(5) A transferee of a transferable interest of the series limited liability company.

Section 8. Section 605.2104, Florida Statutes, is created to read:

605.2104 Powers and duration of protected series.—

(1) A protected series of a series limited liability company has the capacity to sue and be sued in its own name.

(2) Except as otherwise provided in subsections (3) and

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(4), a protected series of a series limited liability company has the same powers and purposes as the series limited liability company.

(3) A protected series of a series limited liability company ceases to exist not later than when the series limited liability company completes its winding up.

(4) A protected series of a series limited liability company may not be or do, as applicable, any of the following:

(a) Be a member of the series limited liability company;

(b) Establish a protected series; or

(c) Except as permitted by the laws of this state other than this chapter, have a purpose or power, or take an action, that the laws of this state other than this chapter prohibit a limited liability company from having or doing.

Section 9. Section 605.2105, Florida Statutes, is created to read:

605.2105 Protected series governing law.—The laws of this state govern the following:

(1) The internal affairs of a protected series of a series limited liability company, including all of the following:

(a) Relations among any associated members of the protected series.

(b) Relations between the protected series and:

1. Any associated member;

2. Any protected-series manager; or

3. Any protected-series transferee.

(c) Relations between any associated member and:

1. Any protected-series manager; or

2. Any protected-series transferee.

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- 407 (d) The rights and duties of a protected-series manager.
- 408 (e) Governance decisions affecting the activities and
- 409 affairs of the protected series and the conduct of those
- 410 activities and affairs.
- 411 (f) Procedures and conditions for becoming an associated
- 412 member or a protected-series transferee.
- 413 (2) The relations between a protected series of a series
- 414 limited liability company and each of the following:
- 415 (a) The series limited liability company.
- 416 (b) Another protected series of the series limited
- 417 liability company.
- 418 (c) A member of the series limited liability company which
- 419 is not an associated member of the protected series of the
- 420 series limited liability company.
- 421 (d) A protected-series manager that is not a protected-
- 422 series manager of the protected series.
- 423 (e) A protected-series transferee that is not a protected-
- 424 series transferee of the protected series.
- 425 (3) The liability of a person for a debt, an obligation, or
- 426 another liability of a protected series of a series limited
- 427 liability company if the debt, obligation, or liability is
- 428 asserted solely by reason of the person being or acting as any
- 429 of the following:
- 430 (a) An associated member, protected-series transferee, or
- 431 protected-series manager of the protected series;
- 432 (b) A member of the series limited liability company which
- 433 is not an associated member of the protected series;
- 434 (c) A protected-series manager that is not a protected-
- 435 series manager of the protected series;

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- 436 (d) A protected-series transferee that is not a protected-
- 437 series transferee of the protected series;
- 438 (e) A manager of the series limited liability company; or
- 439 (f) A transferee of a transferable interest of the series
- 440 limited liability company.
- 441 (4) The liability of a series limited liability company for
- 442 a debt, an obligation, or another liability of a protected
- 443 series of the series limited liability company if the debt,
- 444 obligation, or liability is asserted solely in connection with
- 445 any of the following on the part of the series limited liability
- 446 company:
- 447 (a) Having delivered to the department for filing under s.
- 448 605.2201(2) a protected series designation pertaining to the
- 449 protected series or under s. 605.2201(4) or s. 605.2202(3) a
- 450 statement of designation change pertaining to the protected
- 451 series;
- 452 (b) Being or acting as a protected-series manager of the
- 453 protected series;
- 454 (c) Having the protected series be or act as a manager of
- 455 the series limited liability company; or
- 456 (d) Owning a protected-series transferable interest of the
- 457 protected series.
- 458 (5) The liability of a protected series of a series limited
- 459 liability company for a debt, an obligation, or another
- 460 liability of the series limited liability company or of another
- 461 protected series of the series limited liability company if the
- 462 debt, obligation, or liability is asserted solely by reason of
- 463 any of the following:
- 464 (a) The protected series:

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1. Being a protected series of the series limited liability company or having as a protected-series manager the series limited liability company or another protected series of the series limited liability company; or

2. Being or acting as a protected-series manager of another protected series of the series limited liability company or a manager of the series limited liability company; or

(b) The series limited liability company owning a protected-series transferable interest of the protected series.

Section 10. Section 605.2106, Florida Statutes, is created to read:

605.2106 Relation of a protected series operating agreement and the protected series provisions of this chapter.-

(1) Except as otherwise provided in this section, and subject to ss. 605.2107 and 605.2108, the operating agreement of a series limited liability company governs the following:

(a) The internal affairs of a protected series, including all of the following:

1. Relations among any associated members of the protected series.

2. Relations between the protected series and:

a. Any associated member of the protected series;

b. Any protected-series manager; or

c. Any protected-series transferee.

3. Relations between any associated member and:

a. Any protected-series manager; or

b. Any protected-series transferee.

4. The rights and duties of a protected-series manager.

5. Governance decisions affecting the activities and

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affairs of the protected series and the conduct of those activities and affairs.

6. Procedures and conditions for becoming an associated member or a protected-series transferee.

(b) Relations between a protected series of the series limited liability company and each of the following:

1. The series limited liability company.

2. Another protected series of the series limited liability company.

3. The protected series, any of its protected-series managers, any associated member of the protected series, or any protected-series transferee of the protected series.

4. A person in the person's capacity as:

a. A member of the series limited liability company which is not an associated member of the protected series;

b. A protected-series transferee or protected-series manager of another protected series; or

c. A transferee of the series limited liability company.

(2) If this chapter restricts the power of an operating agreement to affect a matter, the restriction applies to a matter under ss. 605.2101-605.2802 in accordance with s. 605.0105.

(3) If a law of this state other than this chapter imposes a prohibition, limitation, requirement, condition, obligation, liability, or other restriction on a limited liability company; a member, a manager, or another agent of a limited liability company; or a transferee of a limited liability company, except as otherwise provided in the laws of this state other than this chapter, the restriction applies in accordance with s. 605.2108.

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(4) Except as otherwise provided in s. 605.2107, if the operating agreement of a series limited liability company does not provide for a matter described in subsection (1) in a manner authorized by ss. 605.2101-605.2802, the matter is determined in accordance with the following:

(a) To the extent that ss. 605.2101-605.2802 address the matter, ss. 605.2101-605.2802 govern.

(b) To the extent that ss. 605.2101-605.2802 do not address the matter, this chapter governs the matter in accordance with s. 605.2108.

Section 11. Section 605.2107, Florida Statutes, is created to read:

605.2107 Additional limitations on operating agreements.-

(1) An operating agreement may not vary the effect of:

(a) This section;

(b) Section 605.2103;

(c) Section 605.2104(1);

(d) Section 605.2104(2), to provide a protected series a power beyond those provided in this chapter to a limited liability company;

(e) Section 605.2104(3) or (4);

(f) Section 605.2105;

(g) Section 605.2106;

(h) Section 605.2108;

(i) Section 605.2201, except to vary the manner in which a series limited liability company approves establishing a protected series;

(j) Section 605.2202;

(k) Section 605.2301;

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(l) Section 605.2302;

(m) Section 605.2303(1) or (2);

(n) Section 605.2304(3) or (6);

(o) Section 605.2401, except to decrease or eliminate a limitation of liability stated in that section;

(p) Section 605.2402;

(q) Section 605.2403;

(r) Section 605.2404;

(s) Section 605.2501(1), (4), and (5);

(t) Section 605.2502, except to designate a different person to manage winding up;

(u) Section 605.2503;

(v) Sections 605.2601-605.2608;

(w) Sections 605.2701-605.2704;

(x) Sections 605.2801-605.2802, except to vary the person that has the right to sign and deliver to the department for filing a record under this chapter; or

(y) A provision of this chapter pertaining to:

1. A registered office or registered agents; or

2. The department, including provisions relating to records authorized or required to be delivered to the department for filing under this chapter.

(2) An operating agreement may not unreasonably restrict the duties and rights conferred under s. 605.2305 but may impose reasonable restrictions on the availability and use of information obtained under that section and may provide appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use.

Section 12. Section 605.2108, Florida Statutes, is created

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to read:

605.2108 Application of this chapter to protected series.-

(1) Except as otherwise provided in subsection (2) and s. 605.2107, the following provisions apply in the application of ss. 605.2106, 605.2304(3) and (6), 605.2501(4)(a), 605.2502(1), and 605.2503(2):

(a) A protected series of a series limited liability company is deemed to be a limited liability company that is formed separately from the series limited liability company and is distinct from the series limited liability company and any other protected series of the series limited liability company;

(b) An associated member of the protected series of a series limited liability company is deemed to be a member of the series limited liability company deemed to exist under paragraph (a);

(c) A protected-series transferee of the protected series is deemed to be a transferee of the series limited liability company deemed to exist under paragraph (a);

(d) A protected-series transferable interest of the protected series is deemed to be a transferable interest of the series limited liability company deemed to exist under paragraph (a);

(e) A protected-series manager is deemed to be a manager of the series limited liability company deemed to exist under paragraph (a);

(f) An asset of the protected series is deemed to be an asset of the series limited liability company deemed to exist under paragraph (a), regardless of whether the asset is an associated asset of the protected series; or

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(g) Any creditor or other obligee of the protected series is deemed to be a creditor or obligee of the series limited liability company deemed to exist under paragraph (a).

(2) Subsection (1) does not apply if its application would do either of the following:

(a) Contravene s. 605.0105; or

(b) Authorize or require the department to:

1. Accept for filing a type of record which this chapter does not authorize or require a person to deliver to the department for filing; or

2. Make or deliver a record that this chapter does not authorize or require the department to make or deliver.

(3) Except to the extent otherwise specified in ss. 605.2101-605.2802, the provisions of this chapter applicable to limited liability companies in general and their managers, members, and transferees, including, but not limited to, provisions relating to formation, powers, operation, existence, management, court proceedings, and filings with the department and other state or local government agencies, are applicable to each series limited liability company and to each protected series established pursuant to s. 605.2201.

Section 13. Section 605.2201, Florida Statutes, is created to read:

605.2201 Establishment of protected series; change of designation.-

(1) With the affirmative vote or consent of all members of a limited liability company, the company may establish a protected series.

(2) To establish a protected series, a limited liability

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639 company shall deliver to the department for filing a protected
 640 series designation, signed by the company, stating the name of
 641 the company and the name of the protected series to be
 642 established, and any other information the department requires
 643 for filing.

644 (3) A protected series is established when the protected
 645 series designation takes effect under s. 605.0207.

646 (4) To amend a protected series designation, a series
 647 limited liability company shall deliver to the department for
 648 filing a statement of designation change, signed by the company,
 649 that sets forth the following:

650 (a) The name of the series limited liability company and
 651 the name of the protected series to which the change to the
 652 protected series designation applies;

653 (b) Each change to the protected series designation; and

654 (c) A statement that each designation change was approved
 655 by the affirmative vote or consent of the members of the series
 656 limited liability company required to make each change to the
 657 protected series designation.

658 (5) Each designation change made pursuant to subsection (4)
 659 takes effect when the statement of designation change takes
 660 effect under s. 605.0207.

661 Section 14. Section 605.2202, Florida Statutes, is created
 662 to read:

663 605.2202 Protected series name.—

664 (1) Except as otherwise provided in subsection (2), the
 665 name of a protected series must comply with s. 605.0112.

666 (2) The name of a protected series of a series limited
 667 liability company must:

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668 (a) Begin with the name of the series limited liability
 669 company, including any word or abbreviation required by s.
 670 605.0112; and

671 (b) Contain the phrase "protected series" or the
 672 abbreviation "P.S." or "PS."

673 (3) If a series limited liability company changes its name,
 674 the company must deliver to the department for filing a
 675 statement of designation change for each of the company's
 676 protected series, changing the name of each protected series to
 677 comply with this section.

678 Section 15. Section 605.2203, Florida Statutes, is created
 679 to read:

680 605.2203 Registered agent.—

681 (1) The registered agent in this state for a series limited
 682 liability company is the registered agent in this state for each
 683 protected series of that company.

684 (2) Before delivering a protected series designation to the
 685 department for filing, a series limited liability company must
 686 agree with a registered agent specifying that the agent will
 687 serve as the registered agent in this state for that company and
 688 for each protected series of that company.

689 (3) A person that signs a protected series designation
 690 delivered to the department for filing affirms as a fact that
 691 the series limited liability company on whose behalf the
 692 designation is delivered has complied with subsection (2).

693 (4) A person that ceases to be the registered agent for a
 694 series limited liability company ceases to be the registered
 695 agent for each protected series of that company.

696 (5) A person that ceases to be the registered agent for a

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protected series of a series limited liability company, other than as a result of the termination of the protected series, ceases to be the registered agent of that company and any other protected series of that company.

(6) Except as otherwise agreed upon by a series limited liability company and its registered agent, the registered agent is not obligated to distinguish between a process, notice, demand, or other record concerning the company and a process, notice, demand, or other record concerning a protected series of the company.

Section 16. Section 605.2204, Florida Statutes, is created to read:

605.2204 Series limited liability company; service of process; giving notice or making demand.—

(1) Process against a series limited liability company, a protected series of a series limited liability company, a registered foreign series limited liability company, or a registered foreign protected series of a registered foreign series limited liability company, respectively, may be served in the same manner as service is made on each such entity under s. 48.062 and chapter 48 or chapter 49.

(2) Any notice or demand on a series limited liability company or a protected series of a series limited liability company under this chapter may be given or made to any member of a member-managed series limited liability company or to any manager of a manager-managed series limited liability company; to the registered agent of a series limited liability company at the registered office of the series limited liability company in this state; or to any other address in this state which is the

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principal office in this state of the series limited liability company.

(3) Any notice or demand on a registered foreign series limited liability company or a registered foreign protected series of a registered foreign series limited liability company under this chapter may be given or made to any member of a member-managed foreign series limited liability company or to any manager of a manager-managed foreign series limited liability company; to the registered agent of the registered foreign series limited liability company at the registered office of the registered foreign series limited liability company in this state; or to the principal office address, or any other address in this state which is, in fact, the principal office in this state of the registered foreign series limited liability company.

(4) This section does not affect the right to serve process on, give notice to, or make a demand on a series limited liability company or any protected series of a series limited liability company, or to or on any foreign series limited liability company or any protected series of the foreign series limited liability company, in any other manner provided by law.

Section 17. Section 605.2205, Florida Statutes, is created to read:

605.2205 Certificate of status for domestic or foreign protected series.—

(1) The department, upon request, payment of the requisite fee, and compliance with any other filing requirements of the department, shall issue a certificate of status for a protected series of a series limited liability company if the records

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755 filed in the department show that the department has accepted
 756 and filed articles of organization for the series limited
 757 liability company and a protected series designation for the
 758 protected series. A certificate of status for a protected series
 759 of a series limited liability company must state all of the
 760 following:

761 (a) The series limited liability company's name.
 762 (b) The name of the protected series.
 763 (c) That the series limited liability company was organized
 764 under the laws of this state and the date of organization.
 765 (d) That the protected series was designated under the laws
 766 of this state and the date of designation.
 767 (e) Whether all fees and penalties due to the department
 768 under this chapter or other law by the series limited liability
 769 company and the protected series have been paid.
 770 (f) Whether the series limited liability company's most
 771 recent annual report required by s. 605.0212 has been filed by
 772 the department.
 773 (g) Whether the series limited liability company's most
 774 recent annual report includes the name of the protected series,
 775 unless:

776 1. When the series limited liability company delivered the
 777 annual report for filing, the protected series designation
 778 pertaining to the protected series had not yet taken effect; or
 779 2. After the series limited liability company delivered the
 780 annual report for filing, the company delivered to the
 781 department for filing a statement of designation change, which
 782 changes the name of the protected series.
 783 (h) Whether the department has administratively dissolved

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784 the series limited liability company or received a record
 785 notifying the department that the company has been dissolved by
 786 judicial action pursuant to s. 605.0705.
 787 (i) Whether the department has administratively dissolved
 788 the protected series or received a record notifying the
 789 department that the protected series has been dissolved by
 790 judicial action pursuant to s. 605.2501(4) or (5).
 791 (j) Whether the department has filed articles of
 792 dissolution for the series limited liability company.
 793 (k) Whether the department has filed a statement of
 794 dissolution, termination, or relocation for the protected
 795 series.

796 (2) The department, upon request, payment of the requisite
 797 fee, and compliance with any other filing requirements of the
 798 department, shall issue a certificate of status for a foreign
 799 protected series of a foreign series limited liability company
 800 if the records filed in the department show that the department
 801 has filed a certificate of authority for the foreign series
 802 limited liability company and a certificate of authority for the
 803 foreign protected series. A certificate of status for a
 804 registered foreign protected series of a registered foreign
 805 series limited liability company must state all of the
 806 following:

807 (a) The foreign series limited liability company's name and
 808 any current alternative name adopted under s. 605.0906(1) for
 809 use in this state.
 810 (b) The name of the foreign protected series and any
 811 current alternative name adopted under s. 605.0906(1) for use in
 812 this state.

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813 (c) That the foreign series limited liability company is
 814 authorized to transact business in this state.

815 (d) That the foreign protected series is authorized to
 816 transact business in this state.

817 (e) Whether all fees and penalties due to the department
 818 under this chapter or other law by the foreign series limited
 819 liability company and the foreign protected series have been
 820 paid.

821 (f) Whether the foreign series limited liability company's
 822 most recent annual report required by s. 605.0212 has been filed
 823 by the department.

824 (g) Whether the foreign series limited liability company's
 825 most recent annual report includes the name of the foreign
 826 protected series, unless:

827 1. When the foreign series limited liability company
 828 delivered the annual report for filing, the foreign protected
 829 series designation pertaining to the foreign protected series
 830 had not yet taken effect; or

831 2. After the foreign series limited liability company
 832 delivered the annual report for filing, the foreign series
 833 limited liability company delivered to the department for filing
 834 a statement of designation change which changes the name of the
 835 foreign protected series.

836 (h) Whether the department has:

837 1. Revoked the foreign series limited liability company's
 838 certificate of authority or revoked the foreign protected series
 839 certificate of authority; or

840 2. Filed a notice of withdrawal of the certificate of
 841 authority for the foreign series limited liability company or

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842 for the foreign protected series.

843 (3) Subject to any qualification stated by the department
 844 in a certificate of status, a certificate of status issued by
 845 the department may be relied upon as conclusive evidence of the
 846 facts stated in the certificate of status as to the active
 847 status of the domestic or foreign series limited liability
 848 company and any protected series of the domestic or foreign
 849 limited liability company authorized to transact business in
 850 this state.

851 Section 18. Section 605.2206, Florida Statutes, is created
 852 to read:

853 605.2206 Information required in annual report; failure to
 854 comply.—

855 (1) In the annual report required by s. 605.0212, a series
 856 limited liability company shall include the name of each
 857 protected series of the company:

858 (a) For which the series limited liability company has
 859 previously delivered to the department for filing a protected
 860 series designation; and

861 (b) Which has not dissolved and completed winding up.

862 (2) The failure of a series limited liability company to
 863 comply with subsection (1) with regard to a protected series
 864 prevents issuance of a certificate of status pertaining to the
 865 protected series, but does not otherwise affect the protected
 866 series.

867 (3) In the annual report required by s. 605.0212, a
 868 registered foreign series limited liability company shall
 869 include the name of each registered foreign protected series of
 870 the registered foreign series limited liability company:

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871 (a) For which the registered foreign series limited
 872 liability company has previously delivered to the department for
 873 filing an application for a certificate of authority to transact
 874 business in this state, which has been accepted by the
 875 department; and
 876 (b) Which has not withdrawn its certificate of authority to
 877 transact business in this state.
 878 (4) The failure of a registered foreign series limited
 879 liability company to comply with subsection (3) with regard to a
 880 registered foreign protected series prevents issuance of a
 881 certificate of status pertaining to the registered foreign
 882 protected series.
 883 Section 19. Section 605.2301, Florida Statutes, is created
 884 to read:
 885 605.2301 Associated asset.-
 886 (1) Only an asset of a protected series may be an
 887 associated asset of the protected series. Only an asset of a
 888 series limited liability company may be an associated asset of
 889 the company.
 890 (2) (a) An asset of a protected series of a series limited
 891 liability company is an associated asset of the protected series
 892 only if the protected series creates and maintains records that
 893 state the name of the protected series and describe the asset
 894 with sufficient specificity to permit a disinterested,
 895 reasonable individual to:
 896 1. Identify the asset and distinguish it from any other
 897 asset of the protected series, any asset of the series limited
 898 liability company, and any asset of any other protected series
 899 of the company;

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900 2. Determine when and from which person the protected
 901 series acquired the asset or how the asset otherwise became an
 902 asset of the protected series; and
 903 3. If the protected series acquired the asset from the
 904 series limited liability company or another protected series of
 905 the company, determine any consideration paid, the payor, and
 906 the payee.
 907 (b) A deed or other instrument granting an interest in real
 908 property to or from one or more protected series of a series
 909 limited liability company, or any other instrument otherwise
 910 affecting an interest in real property held by one or more
 911 protected series of a series limited liability company, in each
 912 case to the extent such deed or other instrument is in favor of
 913 a person who gives value without knowledge of the lack of
 914 authority of the person signing and delivering a deed or other
 915 instrument and is recorded in the office for recording transfers
 916 or other matters affecting real property, is conclusive of the
 917 authority of the person signing and constitutes a record that
 918 such interest in real property is an associated asset or
 919 liability, as applicable, of the protected series.
 920 (3) (a) An asset of a series limited liability company is an
 921 associated asset of the company only if the company creates and
 922 maintains records that state the name of the company and
 923 describe the asset with sufficient specificity to permit a
 924 disinterested, reasonable individual to:
 925 1. Identify the asset and distinguish it from any other
 926 asset of the series limited liability company and any asset of
 927 any protected series of the company;
 928 2. Determine when and from which person the series limited

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929 liability company acquired the asset or how the asset otherwise
 930 became an asset of the company; and

931 3. If the series limited liability company acquired the
 932 asset from a protected series of the company, determine any
 933 consideration paid, the payor, and the payee.

934 (b) A deed or other instrument granting an interest in real
 935 property to or from a series limited liability company, or any
 936 other instrument otherwise affecting an interest in real
 937 property held by a series limited liability company, in each
 938 case to the extent such deed or other instrument is in favor of
 939 a person who gives value without knowledge of the lack of
 940 authority of the person signing and delivering a deed or other
 941 instrument and is recorded in the office for recording transfers
 942 or other matters affecting real property, is conclusive of the
 943 authority of the person signing and constitutes a record that
 944 such interest in real property is an associated asset or
 945 liability, as applicable, of the series limited liability
 946 company.

947 (4) The records and recordkeeping required by subsections
 948 (2) and (3) may be organized by specific listing, category,
 949 type, quantity, or computational or allocative formula or
 950 procedure, including a percentage or share of any asset, or in
 951 any other reasonable manner.

952 (5) To the extent authorized by this chapter and the laws
 953 of this state other than this chapter, a series limited
 954 liability company or protected series of a series limited
 955 liability company may hold an associated asset directly or
 956 indirectly, through a representative, nominee, or similar
 957 arrangement, except for the following:

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958 (a) A protected series may not hold an associated asset in
 959 the name of the series limited liability company or another
 960 protected series of the company; and

961 (b) A series limited liability company may not hold an
 962 associated asset in the name of a protected series of the
 963 company.

964 Section 20. Section 605.2302, Florida Statutes, is created
 965 to read:

966 605.2302 Associated member.—

967 (1) Only a member of a series limited liability company may
 968 be an associated member of a protected series of the company.

969 (2) A member of a series limited liability company becomes
 970 an associated member of a protected series of the company if the
 971 operating agreement or a procedure established by the operating
 972 agreement states all of the following:

973 (a) That the member is an associated member of the
 974 protected series.

975 (b) The date on which the member became an associated
 976 member of the protected series.

977 (c) Any protected-series transferable interest the
 978 associated member has in connection with becoming or being an
 979 associated member of the protected series.

980 (3) If a person that is an associated member of a protected
 981 series of a series limited liability company is dissociated from
 982 the company, the person ceases to be an associated member of the
 983 protected series.

984 Section 21. Section 605.2303, Florida Statutes, is created
 985 to read:

986 605.2303 Protected-series transferable interest.—

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(1) A protected-series transferable interest of a protected series of a series limited liability company must be owned initially by an associated member of the protected series or the series limited liability company.

(2) If a protected series of a series limited liability company has no associated members when established, the company owns the protected-series transferable interests in the protected series.

(3) In addition to acquiring a protected-series transferable series interest under subsection (2), a series limited liability company may acquire a protected-series transferable interest through a transfer from another person or as provided in the operating agreement.

(4) Except for s. 605.2108(1)(c), any provision of this chapter which applies to a protected-series transferee of a protected series of a series limited liability company applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series. Any provision of the operating agreement of a series limited liability company which applies to a protected-series transferee of a protected series of the company applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series.

Section 22. Section 605.2304, Florida Statutes, is created to read:

605.2304 Management.—

(1) A protected series may have one or more protected-series managers.

(2) If a protected series has no associated members, the

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series limited liability company is the protected-series manager.

(3) Section 605.2108 applies to the determination of any duties of a protected-series manager of a protected series to each of the following:

(a) The protected series.

(b) Any associated member of the protected series.

(c) Any protected-series transferee of the protected series.

(4) Solely by reason of being or acting as a protected-series manager of a protected series, a person owes no duty to any of the following:

(a) The series limited liability company.

(b) Another protected series of the series limited liability company.

(c) Another person in that person's capacity as:

1. A member of the series limited liability company which is not an associated member of the protected series;

2. A protected-series transferee or protected-series manager of another protected series; or

3. A transferee of the series limited liability company.

(5) An associated member of a protected series of a series limited liability company has the same rights as any other member of the company to vote on or consent to an amendment to the company's operating agreement or any other matter being decided by the members, regardless of whether the amendment or matter affects the interests of the protected series or the associated member.

(6) The right of a member to maintain a derivative action

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1045 to enforce a right of a limited liability company pursuant to s.
 1046 605.0802 applies to each of the following:

1047 (a) An associated member of a protected series, in
 1048 accordance with s. 605.2108.

1049 (b) A member of a series limited liability company, in
 1050 accordance with s. 605.2108.

1051 (7) An associated member of a member-managed protected
 1052 series is an agent for the protected series with power to bind
 1053 the protected series to the same extent that a member of a
 1054 member-managed limited liability company is an agent for the
 1055 company with power to bind the company under s. 605.04074(1)(a).
 1056 A protected-series manager of a manager-managed protected series
 1057 is an agent for the protected series with power to bind the
 1058 protected series to the same extent that a manager of a manager-
 1059 managed limited liability company is an agent for the company
 1060 with power to bind the company under s. 605.04074(2)(b).

1061 Section 23. Section 605.2305, Florida Statutes, is created
 1062 to read:

1063 605.2305 Right of a person that is not an associated member
 1064 of a protected series to information of a protected series.—

1065 (1) A member of a series limited liability company which is
 1066 not an associated member of a protected series of the company
 1067 has a right to information concerning the protected series to
 1068 the same extent, in the same manner, and under the same
 1069 conditions that a member that is not a manager of a manager-
 1070 managed limited liability company has a right to information of
 1071 the company under s. 605.0410(1) and (3)(b).

1072 (2) A person that was formerly an associated member of a
 1073 protected series has a right to information concerning the

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1074 protected series to the same extent, in the same manner, and
 1075 under the same conditions that a person dissociated as a member
 1076 of a manager-managed limited liability company has a right to
 1077 information concerning the limited liability company under s.
 1078 605.0410(4) or other applicable law.

1079 (3) If an associated member of a protected series dies, the
 1080 legal representative of the deceased associated member has a
 1081 right to information concerning the protected series to the same
 1082 extent, in the same manner, and under the same conditions that
 1083 the legal representative of a deceased member of a limited
 1084 liability company has a right to information concerning the
 1085 company under ss. 605.0410(9) and 605.0504.

1086 (4) A protected-series manager of a protected series has a
 1087 right to information concerning the protected series to the same
 1088 extent, in the same manner, and under the same conditions that a
 1089 manager of a manager-managed limited liability company has a
 1090 right to information concerning the company under s.
 1091 605.0410(3)(a).

1092 (5) The court-ordered inspection provisions of s. 605.0411
 1093 apply to the information rights regarding series limited
 1094 liability companies and protected series of such companies.

1095 Section 24. Section 605.2401, Florida Statutes, is created
 1096 to read:

1097 605.2401 Limitations on liability.—

1098 (1) A person is not liable, directly or indirectly, by way
 1099 of contribution or otherwise, for a debt, an obligation, or
 1100 another liability of either of the following:

1101 (a) A protected series of a series limited liability
 1102 company solely by reason of being or acting as:

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1103 1. An associated member, protected-series manager, or
 1104 protected-series transferee of the protected series; or
 1105 2. A member, manager, or transferee of the company; or
 1106 (b) A series limited liability company solely by reason of
 1107 being or acting as an associated member, protected-series
 1108 manager, or protected-series transferee of a protected series of
 1109 the company.
 1110 (2) Subject to s. 605.2404, the following apply:
 1111 (a) A debt, an obligation, or another liability of a series
 1112 limited liability company is solely the debt, obligation, or
 1113 liability of the company.
 1114 (b) A debt, an obligation, or another liability of a
 1115 protected series is solely the debt, obligation, or liability of
 1116 the protected series.
 1117 (c) A series limited liability company is not liable,
 1118 directly or indirectly, by way of contribution or otherwise, for
 1119 a debt, an obligation, or another liability of a protected
 1120 series of the company solely by reason of the protected series
 1121 being a protected series of the company, or the series limited
 1122 liability company:
 1123 1. Being or acting as a protected-series manager of the
 1124 protected series;
 1125 2. Having the protected series manage the series limited
 1126 liability company; or
 1127 3. Owning a protected-series transferable interest of the
 1128 protected series.
 1129 (d) A protected series of a series limited liability
 1130 company is not liable, directly or indirectly, by way of
 1131 contribution or otherwise, for a debt, an obligation, or another

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1132 liability of the company or another protected series of the
 1133 company solely by reason of:
 1134 1. Being a protected series of the series limited liability
 1135 company;
 1136 2. Being or acting as a manager of the series limited
 1137 liability company or a protected-series manager of another
 1138 protected series of the company; or
 1139 3. Having the series limited liability company or another
 1140 protected series of the company be or act as a protected-series
 1141 manager of the protected series.
 1142 Section 25. Section 605.2402, Florida Statutes, is created
 1143 to read:
 1144 605.2402 Claim seeking to disregard limitation of
 1145 liability.—
 1146 (1) Except as otherwise provided in subsection (2), a claim
 1147 seeking to disregard a limitation in s. 605.2401 is governed by
 1148 the principles of law and equity, including a principle
 1149 providing a right to a creditor or holding a person liable for a
 1150 debt, an obligation, or another liability of another person,
 1151 which would apply if each protected series of a series limited
 1152 liability company were a limited liability company formed
 1153 separately from the series limited liability company and
 1154 distinct from the series limited liability company and any other
 1155 protected series of the series limited liability company.
 1156 (2) The failure of a limited liability company or a
 1157 protected series to observe formalities relating to the exercise
 1158 of its powers or management of its activities and affairs is not
 1159 a ground to disregard a limitation in s. 605.2401(1) but may be
 1160 a ground to disregard a limitation in s. 605.2401(2).

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1161 (3) This section applies to a claim seeking to disregard a
 1162 limitation of liability applicable to a foreign series limited
 1163 liability company or foreign protected series and comparable to
 1164 a limitation stated in s. 605.2401, if either of the following
 1165 applies:

1166 (a) The claimant is a resident of this state, transacting
 1167 business in this state, or authorized to transact business in
 1168 this state; or

1169 (b) The claim is to establish or enforce a liability
 1170 arising under law of this state other than this chapter or from
 1171 an act or omission in this state.

1172 Section 26. Section 605.2403, Florida Statutes, is created
 1173 to read:

1174 605.2403 Remedies of judgment creditor of associated member
 1175 or other holder of a protected-series transferee.—The provisions
 1176 of s. 605.0503 providing or restricting remedies available to a
 1177 judgment creditor of a member or transferee of a limited
 1178 liability company apply to a judgment creditor of either or both
 1179 of the following:

1180 (1) An associated member or other holder of a protected-
 1181 series transferable interest in a protected series of a series
 1182 limited liability company or a foreign series limited liability
 1183 company.

1184 (2) A series limited liability company, to the extent the
 1185 company owns a protected-series transferable interest of a
 1186 protected series.

1187 Section 27. Section 605.2404, Florida Statutes, is created
 1188 to read:

1189 605.2404 Enforcement of claim against non-associated

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1190 asset.—

1191 (1) For the purposes of this section, the term:

1192 (a) "Enforcement date" means 12:01 a.m. on the date on
 1193 which a claimant first serves process on a series limited
 1194 liability company or protected series in an action seeking to
 1195 enforce a claim against an asset of the company or protected
 1196 series by attachment, levy, or similar means under this section.

1197 (b) "Incurrence date," subject to s. 605.2608(2), means the
 1198 date on which a series limited liability company or protected
 1199 series of the company incurred the liability giving rise to a
 1200 claim that a claimant seeks to enforce under this section.

1201 (2) If a claim against a series limited liability company
 1202 or a protected series of the company has been reduced to
 1203 judgment, in addition to any other remedy provided by law or
 1204 equity, the judgment may be enforced in accordance with the
 1205 following:

1206 (a) A judgment against the series limited liability company
 1207 may be enforced against an asset of a protected series of the
 1208 company if the asset:

1209 1. Was a non-associated asset of the protected series on
 1210 the incurrence date; or

1211 2. Is a non-associated asset of the protected series on the
 1212 enforcement date.

1213 (b) A judgment against a protected series may be enforced
 1214 against an asset of the series limited liability company if the
 1215 asset:

1216 1. Was a non-associated asset of the series limited
 1217 liability company on the incurrence date; or

1218 2. Is a non-associated asset of the series limited

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1219 liability company on the enforcement date.

1220 (c) A judgment against a protected series may be enforced

1221 against an asset of another protected series of the series

1222 limited liability company if the asset:

1223 1. Was a non-associated asset of the other protected series

1224 on the incurrence date; or

1225 2. Is a non-associated asset of the other protected series

1226 on the enforcement date.

1227 (3) In addition to any other remedy provided by law or

1228 equity, if a claim against a series limited liability company or

1229 a protected series has not been reduced to a judgment and law

1230 other than this chapter permits a prejudgment remedy by

1231 attachment, levy, or similar means, the court may apply

1232 subsection (2) as a prejudgment remedy.

1233 (4) In a proceeding under this section, the party asserting

1234 that an asset is or was an associated asset of a series limited

1235 liability company or a protected series of the series limited

1236 liability company has the burden of proof on the issue.

1237 (5) This section applies to an asset of a foreign series

1238 limited liability company or foreign protected series if all of

1239 the following apply:

1240 (a) The asset is real or tangible property located in this

1241 state.

1242 (b) The claimant is a resident of this state or is

1243 transacting business or authorized to transact business in this

1244 state, or the claim under this section is to enforce a judgment,

1245 or to seek a prejudgment remedy, pertaining to a liability

1246 arising from the law of this state other than this chapter or an

1247 act or omission in this state.

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1248 (c) The asset is not identified in the records of the

1249 foreign series limited liability company or foreign protected

1250 series in a manner comparable to the manner required by s.

1251 605.2301.

1252 Section 28. Section 605.2501, Florida Statutes, is created

1253 to read:

1254 605.2501 Events causing dissolution of protected series.—A

1255 protected series of a series limited liability company is

1256 dissolved, and its activities and affairs must be wound up, upon

1257 the occurrence of any of the following:

1258 (1) Dissolution of the series limited liability company.

1259 (2) Occurrence of an event or a circumstance that the

1260 operating agreement states causes dissolution of the protected

1261 series.

1262 (3) Affirmative vote or consent of all associated members

1263 of the protected series.

1264 (4) Entry by the court of an order dissolving the protected

1265 series on application by an associated member or a protected-

1266 series manager of the protected series:

1267 (a) In accordance with s. 605.2108; and

1268 (b) To the same extent, in the same manner, and on the same

1269 grounds the court would enter an order dissolving a limited

1270 liability company on application by a member or manager of the

1271 limited liability company pursuant to s. 605.0702.

1272 (5) Entry by the court of an order dissolving the protected

1273 series on application by the series limited liability company or

1274 a member or manager of the series limited liability company:

1275 (a) In accordance with s. 605.2108; and

1276 (b) To the same extent, in the same manner, and on the same

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1277 grounds the court would enter an order dissolving a limited
 1278 liability company on application by a member or manager of the
 1279 limited liability company pursuant to s. 605.0702.

1280 (6) Automatic or involuntary dissolution of the series
 1281 limited liability company that established the protected series.

1282 (7) The filing of a statement of administrative dissolution
 1283 of the limited liability company or a protected series of the
 1284 company by the department pursuant to s. 605.0714.

1285 Section 29. Section 605.2502, Florida Statutes, is created
 1286 to read:

1287 605.2502 Winding up dissolved protected series.—

1288 (1) Subject to subsections (2) and (3) and in accordance
 1289 with s. 605.2108, the following apply:

1290 (a) A dissolved protected series shall wind up its
 1291 activities and affairs in the same manner that a dissolved
 1292 limited liability company winds up its activities and affairs
 1293 under s. 605.0709, subject to the same requirements and
 1294 conditions, and with the same effects.

1295 (b) Judicial supervision or another judicial remedy is
 1296 available in the winding up of the protected series to the same
 1297 extent, in the same manner, under the same conditions, and with
 1298 the same effects that apply under s. 605.0709(5).

1299 (2) When a protected series of a series limited liability
 1300 company dissolves, the company may deliver to the department for
 1301 filing its articles of protected series dissolution stating the
 1302 name of the series limited liability company and the protected
 1303 series and that the protected series is dissolved. The filing of
 1304 the articles of dissolution by the department has the same
 1305 effect with regard to the protected series as the filing by a

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1306 limited liability company of articles of dissolution with the
 1307 department under s. 605.0707.

1308 (3) When a protected series of a series limited liability
 1309 company has completed winding up in accordance with s. 605.0709,
 1310 the company that established the protected series may deliver to
 1311 the department for filing a statement of designation
 1312 cancellation, stating all of the following:

1313 (a) The name of the company and the protected series.

1314 (b) That the protected series is terminated with the
 1315 effective date of the termination if that date is not the date
 1316 of filing of the statement of designation cancellation.

1317 (c) Any other information required by the department.

1318 (4) The filing of the statement of designation cancellation
 1319 by the department has the same effect as the filing by the
 1320 department of a statement of termination under s. 605.0709(7).

1321 (5) A series limited liability company has not completed
 1322 its winding up until each of the protected series of the company
 1323 has completed its winding up.

1324 Section 30. Section 605.2503, Florida Statutes, is created
 1325 to read:

1326 605.2503 Effects of reinstatement of series limited
 1327 liability company; revocation of voluntary dissolution.—If a
 1328 series limited liability company that has been administratively
 1329 dissolved is reinstated, or if a series limited liability
 1330 company that voluntarily dissolved revokes its articles of
 1331 dissolution before filing a statement of termination, both of
 1332 the following apply:

1333 (1) Each protected series of the series limited liability
 1334 company ceases winding up.

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1335 (2) Section 605.0708 applies to the series limited
 1336 liability company and to each protected series of the company,
 1337 in accordance with s. 605.2108.
 1338 Section 31. Section 605.2601, Florida Statutes, is created
 1339 to read:
 1340 605.2601 Entity transactions involving a series limited
 1341 liability company or a protected series of the company
 1342 restricted; definitions.—As used in ss. 605.2601-605.2608, the
 1343 term:
 1344 (1) "After a merger" or "after the merger" means when a
 1345 merger under s. 605.2604 becomes effective and any time
 1346 thereafter.
 1347 (2) "Before a merger" or "before the merger" means before a
 1348 merger under s. 605.2604 becomes effective.
 1349 (3) "Continuing protected series" means a protected series
 1350 of a surviving series limited liability company which continues
 1351 in uninterrupted existence after a merger under s. 605.2604.
 1352 (4) "Merging company" means a limited liability company
 1353 that is party to a merger under s. 605.2604.
 1354 (5) "Non-surviving company" means a merging company that
 1355 does not continue in existence after a merger under s. 605.2604.
 1356 (6) "Relocated protected series" means a protected series
 1357 of a non-surviving company which, after a merger under s.
 1358 605.2604, continues in uninterrupted existence as a protected
 1359 series of the surviving company.
 1360 (7) "Surviving company" means a merging company that
 1361 continues in existence after a merger under s. 605.2604.
 1362 Section 32. Section 605.2602, Florida Statutes, is created
 1363 to read:

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1364 605.2602 Restrictions on entity transactions involving
 1365 protected series.—Except as provided in ss. 605.2605(2),
 1366 605.2606(2), and 605.2607(1), a protected series may not
 1367 participate in; be a party to; result from; or be formed,
 1368 organized, established, or created by either of the following:
 1369 (1) A conversion, domestication, interest exchange, or
 1370 merger under this chapter or the law of a foreign jurisdiction,
 1371 however the transaction is denominated under such law; or
 1372 (2) A transaction with the same substantive effect as a
 1373 conversion, domestication, interest exchange, or merger under
 1374 the law of this state or a foreign jurisdiction.
 1375 Section 33. Section 605.2603, Florida Statutes, is created
 1376 to read:
 1377 605.2603 Restrictions on entity transactions involving
 1378 series limited liability company.—A series limited liability
 1379 company may not:
 1380 (1) Participate in; be a party to; result from; or be
 1381 formed, organized, established, or created by either of the
 1382 following:
 1383 (a) A conversion, domestication, or interest exchange,
 1384 under this chapter or the law of a foreign jurisdiction, however
 1385 the transaction is denominated under such law; or
 1386 (b) A transaction with the same substantive effect as a
 1387 conversion, domestication, or interest exchange under the law of
 1388 this state or a foreign jurisdiction.
 1389 (2) Except as otherwise provided in s. 605.2604, be a party
 1390 to or the surviving company of either of the following:
 1391 (a) A merger under this chapter or the law of a foreign
 1392 jurisdiction, however a merger is denominated under such law; or

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1393 (b) A transaction with the same substantive effect as a
 1394 merger under the law of this state or a foreign jurisdiction.
 1395 Section 34. Section 605.2604, Florida Statutes, is created
 1396 to read:
 1397 605.2604 Restrictions on merger.—A series limited liability
 1398 company may be a party to a merger in accordance with ss.
 1399 605.1021-605.1026, this section, and ss. 605.2605-605.2608 only
 1400 if both of the following apply:
 1401 (1) Each other party to the merger is a limited liability
 1402 company.
 1403 (2) The surviving company is not created in the merger.
 1404 Section 35. Section 605.2605, Florida Statutes, is created
 1405 to read:
 1406 605.2605 Plan of merger.—In a merger under s. 605.2604, the
 1407 plan of merger must do all of the following:
 1408 (1) Comply with s. 605.1022 relating to the contents of a
 1409 plan of merger of a limited liability company.
 1410 (2) State in a record:
 1411 (a) For any protected series of a non-surviving company,
 1412 whether, after the merger, the protected series will be a
 1413 relocated protected series or be dissolved, wound up, and
 1414 terminated.
 1415 (b) For any protected series of the surviving company which
 1416 exists before the merger, whether, after the merger, the
 1417 protected series will be a continuing protected series or be
 1418 dissolved, wound up, and terminated.
 1419 (c) For each relocated protected series or continuing
 1420 protected series:
 1421 1. The name of any person that becomes an associated member

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1422 or a protected-series transferee of the protected series after
 1423 the merger, any consideration to be paid by, on behalf of, or in
 1424 respect of the person, the name of the payor, and the name of
 1425 the payee;
 1426 2. The name of any person whose rights or obligations in
 1427 the person's capacity as an associated member or a protected-
 1428 series transferee will change after the merger;
 1429 3. Any consideration to be paid to a person that before the
 1430 merger was an associated member or a protected-series transferee
 1431 of the protected series and the name of the payor; and
 1432 4. If, after the merger, the protected series will be a
 1433 relocated protected series, its new name.
 1434 (d) For any protected series to be established by the
 1435 surviving company as a result of the merger:
 1436 1. The name of the protected series and the address of its
 1437 principal office;
 1438 2. Any protected-series transferable interest to be owned
 1439 by the surviving company when the protected series is
 1440 established; and
 1441 3. The name of and any protected-series transferable
 1442 interest owned by any person that will be an associated member
 1443 of the protected series when the protected series is
 1444 established.
 1445 (e) For any person that is an associated member of a
 1446 relocated protected series and will remain a member after the
 1447 merger, any amendment to the operating agreement of the
 1448 surviving limited liability company which:
 1449 1. Is or is proposed to be in a record; and
 1450 2. Is necessary or appropriate to state the rights and

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obligations of the person as a member of the surviving limited liability company.

Section 36. Section 605.2606, Florida Statutes, is created to read:

605.2606 Articles of merger.—In a merger under s. 605.2604, the articles of merger must do all of the following:

(1) Comply with s. 605.1025 relating to the articles of merger.

(2) Include as an attachment all of the following records, each to become effective when the merger becomes effective:

(a) For a protected series of a merging company being terminated as a result of the merger, a statement of designation cancellation and termination signed by the non-surviving merging company.

(b) For a protected series of a non-surviving company which after the merger will be a relocated protected series:

1. A statement of relocation signed by the non-surviving company which contains the name of the series limited liability company and the name of the protected series before and after the merger; and

2. A statement of protected series designation signed by the surviving company.

(c) For a protected series being established by the surviving company as a result of the merger, a protected series designation signed by the surviving company.

Section 37. Section 605.2607, Florida Statutes, is created to read:

605.2607 Effect of merger.—When a merger of a protected series under s. 605.2604 becomes effective, in addition to the

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effects stated in s. 605.1026, all of the following apply:

(1) As provided in the plan of merger, each protected series of each merging series limited liability company which was established before the merger is either a relocated protected series or continuing protected series, or is dissolved, wound up, and terminated.

(2) Any protected series to be established as a result of the merger is established.

(3) Any relocated protected series or continuing protected series is the same person without interruption as it was before the merger.

(4) All property of a relocated protected series or continuing protected series continues to be vested in the protected series without transfer, reversion, or impairment.

(5) All debts, obligations, and other liabilities of a relocated protected series or continuing protected series continue as debts, obligations, and other liabilities of the relocated protected series or continuing protected series.

(6) Except as otherwise provided by law or the plan of merger, all the rights, privileges, immunities, powers, and purposes of a relocated protected series or continuing protected series remain in the protected series.

(7) The new name of a relocated protected series may be substituted for the former name of the relocated protected series in any pending action or proceeding.

(8) To the extent provided in the plan of merger, the following apply:

(a) A person becomes an associated member or a protected-series transferee of a relocated protected series or continuing

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protected series.

(b) A person becomes an associated member of a protected series established by the surviving company as a result of the merger.

(c) Any change in the rights or obligations of a person in the person's capacity as an associated member or a protected-series transferee of a relocated protected series or continuing protected series takes effect.

(d) Any consideration to be paid to a person that before the merger was an associated member or a protected-series transferee of a relocated protected series or continuing protected series is due.

(9) Any person that is an associated member of a relocated protected series becomes a member of the surviving company, if not already a member.

Section 38. Section 605.2608, Florida Statutes, is created to read:

605.2608 Application of s. 605.2404 after merger.—

(1) A creditor's right that existed under s. 605.2404 immediately before a merger under that section may be enforced after the merger in accordance with the following provisions:

(a) A creditor's right that existed immediately before the merger against the surviving company, a continuing protected series, or a relocated protected series continues without change after the merger.

(b) A creditor's right that existed immediately before the merger against a non-surviving company:

1. May be asserted against an asset of the non-surviving company which vested in the surviving company as a result of the

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merger; and

2. Does not otherwise change.

(c) Subject to subsection (2), the following provisions apply:

1. In addition to the remedy stated in paragraph (b), a creditor with a right conferred under s. 605.2404 which existed immediately before the merger against a non-surviving company or a relocated protected series may assert the right against:

a. An asset of the surviving company, other than an asset of the non-surviving company which vested in the surviving company as a result of the merger;

b. An asset of a continuing protected series;

c. An asset of a protected series established by the surviving company as a result of the merger;

d. If the creditor's right was against an asset of the non-surviving company, an asset of a relocated protected series; or

e. If the creditor's right was against an asset of a relocated protected series, an asset of another relocated protected series.

2. In addition to the remedy stated in paragraph (b), a creditor with a right that existed immediately before the merger against the surviving company or a continuing protected series may assert the right against:

a. An asset of a relocated protected series; or

b. An asset of a non-surviving company which vested in the surviving company as a result of the merger.

(2) For the purposes of paragraph (1)(c) and s. 605.2404(2)(a)1., (b)1., and (c)1., the incurrence date is deemed to be the date on which the merger becomes effective.

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1567 (3) A merger under s. 605.2604 does not affect the manner
 1568 in which s. 605.2404 applies to a liability incurred after the
 1569 merger becomes effective.

1570 Section 39. Section 605.2701, Florida Statutes, is created
 1571 to read:

1572 605.2701 Governing law; foreign series limited liability
 1573 companies and foreign protected series.—The law of the governing
 1574 jurisdiction of a foreign series limited liability company
 1575 governs all of the following:

1576 (1) The internal affairs of a foreign protected series of
 1577 the foreign series limited liability company, including the
 1578 following:

1579 (a) Relations among any associated members of the foreign
 1580 protected series.

1581 (b) Relations between the foreign protected series and:

1582 1. Any associated member;

1583 2. Any protected-series manager; or

1584 3. Any protected-series transferee.

1585 (c) Relations between any associated member and:

1586 1. Any protected-series manager; or

1587 2. Any protected-series transferee.

1588 (d) The rights and duties of a protected-series manager.

1589 (e) Governance decisions affecting the activities and
 1590 affairs of the foreign protected series and the conduct of those
 1591 activities and affairs.

1592 (f) Procedures and conditions for becoming an associated
 1593 member or a protected-series transferee.

1594 (2) Relations between the foreign protected series and the
 1595 following:

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1596 (a) The foreign series limited liability company.

1597 (b) Another foreign protected series of the foreign series
 1598 limited liability company.

1599 (c) A member of the foreign series limited liability
 1600 company which is not an associated member of the foreign
 1601 protected series.

1602 (d) A foreign protected-series manager that is not a
 1603 protected-series manager of the foreign protected series.

1604 (e) A foreign protected-series transferee that is not a
 1605 foreign protected-series transferee of the foreign protected
 1606 series.

1607 (f) A transferee of a transferable interest of the foreign
 1608 series limited liability company.

1609 (3) Except as otherwise provided in ss. 605.2402 and
 1610 605.2404, the liability of a person for a debt, an obligation,
 1611 or another liability of a foreign protected series of a foreign
 1612 series limited liability company if the debt, obligation, or
 1613 liability is asserted solely by reason of the person being or
 1614 acting as any of the following:

1615 (a) An associated member, a protected-series transferee, or
 1616 a protected-series manager of the foreign protected series.

1617 (b) A member of the foreign series limited liability
 1618 company which is not an associated member of the foreign
 1619 protected series.

1620 (c) A protected-series manager of another foreign protected
 1621 series of the foreign series limited liability company.

1622 (d) A protected-series transferee of another foreign
 1623 protected series of the foreign series limited liability
 1624 company.

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1625 (e) A manager of the foreign series limited liability
 1626 company.

1627 (f) A transferee of a transferable interest of the foreign
 1628 series limited liability company.

1629 (4) Except as otherwise provided in ss. 605.2402 and
 1630 605.2404, the following apply:

1631 (a) The liability of the foreign series limited liability
 1632 company for a debt, an obligation, or another liability of a
 1633 foreign protected series of the foreign series limited liability
 1634 company if the debt, obligation, or liability is asserted solely
 1635 by reason of the foreign protected series being a foreign
 1636 protected series of the foreign series limited liability
 1637 company, or the foreign protected series limited liability
 1638 company:

1639 1. Being or acting as a foreign protected-series manager of
 1640 the foreign protected series;

1641 2. Having the foreign protected series manage the foreign
 1642 series limited liability company; or

1643 3. Owning a protected-series transferable interest of the
 1644 foreign protected series.

1645 (b) The liability of a foreign protected series for a debt,
 1646 an obligation, or another liability of the foreign series
 1647 limited liability company or another foreign protected series of
 1648 the foreign series limited liability company, if the debt,
 1649 obligation, or liability is asserted solely by reason of the
 1650 foreign protected series:

1651 1. Being a foreign protected series of the foreign series
 1652 limited liability company or having the foreign series limited
 1653 liability company or another foreign protected series of the

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1654 foreign series limited liability company be or act as a foreign
 1655 protected-series manager of the foreign protected series; or

1656 2. Managing the foreign series limited liability company or
 1657 being or acting as a foreign protected-series manager of another
 1658 foreign protected series of the foreign series limited liability
 1659 company.

1660 Section 40. Section 605.2702, Florida Statutes, is created
 1661 to read:

1662 605.2702 No attribution of activities constituting
 1663 transacting business or for establishing jurisdiction.—In
 1664 determining whether a foreign series limited liability company
 1665 or foreign protected series of the foreign series limited
 1666 liability company is transacting business in this state or is
 1667 subject to the personal jurisdiction of the courts in this
 1668 state, the following apply:

1669 (1) The activities and affairs of the foreign series
 1670 limited liability company are not attributable to a foreign
 1671 protected series of the foreign series limited liability company
 1672 solely by reason of the foreign protected series being a foreign
 1673 protected series of the foreign series limited liability
 1674 company.

1675 (2) The activities and affairs of a foreign protected
 1676 series are not attributable to the foreign series limited
 1677 liability company or another foreign protected series of the
 1678 foreign series limited liability company, solely by reason of
 1679 the foreign protected series being a foreign protected series of
 1680 the foreign series limited liability company.

1681 Section 41. Section 605.2703, Florida Statutes, is created
 1682 to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1683 605.2703 Certificate of authority for foreign series
 1684 limited liability company and foreign protected series;
 1685 amendment of application.-

1686 (1) Except as otherwise provided in this section and
 1687 subject to ss. 605.2402 and 605.2404, the laws of this state
 1688 governing application by a foreign limited liability company to
 1689 obtain a certificate of authority to transact business in this
 1690 state as required under s. 605.0902, including the effect of
 1691 obtaining a certificate of authority under s. 605.0903, and the
 1692 effect of failure to have a certificate of authority as
 1693 described in s. 605.0904, apply to a foreign series limited
 1694 liability company and to a foreign protected series of a foreign
 1695 series limited liability company, as if the foreign protected
 1696 series was a foreign limited liability company formed separately
 1697 from the foreign series limited liability company, and distinct
 1698 from the foreign series limited liability company and any other
 1699 foreign protected series of the foreign series limited liability
 1700 company.

1701 (2) An application by a foreign protected series of a
 1702 foreign series limited liability company for a certificate of
 1703 authority to transact business in this state must include all of
 1704 the following:

1705 (a) The name and governing jurisdiction of the foreign
 1706 series limited liability company and the foreign protected
 1707 series seeking a certificate of authority, and all of the other
 1708 information required under s. 605.0902, and any other
 1709 information required by the department.

1710 (b) If the company has other foreign protected series, the
 1711 name, title, capacity, and street and mailing address of at

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1712 least one person that has the authority to manage the foreign
 1713 limited liability company and that knows the name and street and
 1714 mailing address of:

1715 1. Each other foreign protected series of the foreign
 1716 series limited liability company; and

1717 2. The foreign protected-series manager of, and the
 1718 registered agent for service of process on, each other foreign
 1719 protected series of the foreign series limited liability
 1720 company.

1721 (3) The name of a foreign protected series applying for a
 1722 certificate of authority to transact business in this state must
 1723 comply with ss. 605.0112 and 605.2202, which may be accomplished
 1724 by using an alternate name pursuant to ss. 605.0906 and 865.09,
 1725 if the alternate name complies with ss. 605.0112, 605.0906, and
 1726 605.2202.

1727 (4) The requirements in s. 605.0907 relating to required
 1728 information and amending of a certificate of authority apply to
 1729 the information required by subsection (2).

1730 (5) Sections 605.0903-605.0912 apply to a foreign limited
 1731 liability company and to a protected series of a foreign series
 1732 limited liability company applying for, amending, or withdrawing
 1733 a certificate of authority to transact business in this state.

1734 Section 42. Section 605.2704, Florida Statutes, is created
 1735 to read:

1736 605.2704 Disclosure required when a foreign series limited
 1737 liability company or foreign protected series becomes a party to
 1738 a proceeding.-

1739 (1) Not later than 30 days after becoming a party to a
 1740 proceeding before a civil, administrative, or other adjudicative

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tribunal of or located in this state, or a tribunal of the United States located in this state:

(a) A foreign series limited liability company shall disclose to each other party the name and street and mailing address of:

1. Each foreign protected series of the foreign series limited liability company; and

2. Each foreign protected-series manager of and a registered agent for service of process for each foreign protected series of the foreign series limited liability company.

(b) A foreign protected series of a foreign series limited liability company shall disclose to each other party the name and street and mailing address of:

1. The foreign series limited liability company and each manager of the foreign series limited liability company and an agent for service of process for the foreign series limited liability company; and

2. Any other foreign protected series of the foreign series limited liability company and each foreign protected-series manager of and an agent for service of process for the other foreign protected series.

(2) If a foreign series limited liability company or foreign protected series challenges the personal jurisdiction of the tribunal, the requirement that the foreign series limited liability company or foreign protected series make disclosure under subsection (1) is tolled until the tribunal determines whether it has personal jurisdiction.

(3) If a foreign series limited liability company or

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foreign protected series does not comply with subsection (1), a party to the proceeding may do one or both of the following:

(a) Request the tribunal to treat the noncompliance as a failure to comply with the tribunal's discovery rules.

(b) Bring a separate proceeding in the court to enforce subsection (1).

Section 43. Section 605.2801, Florida Statutes, is created to read:

605.2801 Relation to Electronic Signatures in Global and National Commerce Act.—Section 605.1102 applies to ss. 605.2101–605.2802.

Section 44. Section 605.2802, Florida Statutes, is created to read:

605.2802 Effective date.—

(1) Beginning January 1, 2026, this chapter governs all domestic and foreign protected series limited liability companies and all domestic protected series and all foreign series that transact business in this state.

(2) A domestic limited liability company formed before January 1, 2026, may not create or designate any protected series before the effective date of this act.

Section 45. This act shall take effect January 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB 316 (LC)

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Aimee Diaz Lyon

Phone

850-205-9000

Address

119 South Monroe Street #200

Email

adl@mhdfrm.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:



In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

The Business Law Section of the Florida Bar

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 384

INTRODUCER: Environment and Natural Resources Committee; Community Affairs Committee;
Senators Burton and Brodeur

SUBJECT: Annexing State-owned Lands

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
3.	<u>Hackett</u>	<u>Yeatman</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 384 amends the procedure for municipal annexation to require a municipality to notify each member of the local legislative delegation prior to the first public hearing on a proposal to annex state-owned lands.

The bill takes effect on July 1, 2025.

II. Present Situation:

Municipal Annexation

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of “contiguous... and reasonably compact” real property.¹ An area is considered “contiguous” if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.² An area is compact if it is concentrated in a single area and does not create enclaves, pockets, or finger areas.³ All lands to be annexed must be in the same county as the annexing municipality.⁴

¹ Sections. 171.0413(1) and 171.044(1), F.S.

² Section 171.031(11), F.S.

³ Section 171.031(12), F.S.

⁴ Section 171.045, F.S.

The governing body of a municipality may only propose annexation of an area that is contiguous, reasonably compact, and is either:⁵

- Developed for “urban purposes,” which is defined as having a resident population or at least two persons per acre, having a resident population of at least one person per acre if the area is subdivided into lots where at least 60 percent of the total number of lots are 1 acre or less in size, or at least 60 percent of the total number of lots meet one of the preceding definitions and at least 60 percent of the total acreage not used for non-residential “urban purposes” is subdivided into lots of 5 acres or less;
- Lies between the municipal boundary and an area developed for “urban purposes”; or
- Adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and areas developed for “urban purposes.”

A municipality may begin the annexation process by adopting a non-emergency ordinance.⁶ The municipality is required to hold two advertised public meetings before the adoption of the ordinance, one held on a weekday at least 7 days after the publication of the first advertisement and one held on a weekday at least 5 days after the publication of the second advertisement. At least 10 days prior to the first public meeting, the governing body of the municipality must provide written notice to all residents and property owners in the area proposed for annexation.⁷ The notice must contain the annexation proposal, the time and location of the public meeting, and locations where the proposed ordinance may be inspected by the public.

Before adopting an annexation ordinance, a municipality is required to prepare a feasibility study containing:⁸

- Plans to provide urban services to the area to be annexed;
- A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;
- A statement certifying the area meets the annexation criteria specified in s. 171.043, F.S.; and
- A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation.

The governing body of the municipality must file a copy of the report with the governing body of the county within 15 days of the commencement of annexation procedures.⁹ Failure to submit the report to the county in a timely manner may invalidate the annexation.

The municipality must submit the adopted annexation ordinance to a referendum in the area to be annexed.¹⁰ The municipality may also choose to submit the ordinance to the voters of the municipality for approval. If more than 70 percent of the area to be annexed is not owned by

⁵ Section 171.043, F.S.

⁶ Section 171.0413(1), F.S. A non-emergency ordinance is adopted using standing procedures specified by s. 166.041, F.S.

⁷ Section 171.042(3), F.S.

⁸ Section 171.042(1), F.S.

⁹ Section 171.042(2), F.S.

¹⁰ Section 171.0413(2), F.S.

registered voters, the municipality must obtain the consent of landowners owning at least 50 percent of the area to be annexed before conducting the referendum.¹¹

The referendum may be conducted during the next regularly scheduled election or at a special election.¹² The referendum must not be held until at least 30 days after the adoption of the ordinance and must be advertised in a newspaper of general circulation in the area to be annexed.¹³ If the referendum is approved by the voters, the annexation occurs on the effective date provided by the ordinance.¹⁴ If the voters reject annexation, the municipality may not propose annexation of the same area in the 2 years following the referendum.

If the area to be annexed has no registered electors, the area may be annexed without a referendum if the municipality obtains the consent of landowners representing both 50 percent of acreage and 50 percent of the parcels in the area to be annexed.¹⁵

Alternatively, the owner(s) of real property in a contiguous, reasonably compact and unincorporated area of the county may petition a municipality for annexation.¹⁶ The municipality must determine that all landowners in the area to be annexed have signed the petition and publish notice of the annexation before passing an ordinance annexing the area. A copy of the ordinance, including a map and a metes and bounds legal description of the area, must be filed with the clerk of the circuit court, the chief administrative officer of the county, and the Department of State within 7 days after adopting the annexation ordinance. An area may not be annexed using this process if the annexation would result in the creation of an enclave.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 171.0413, F.S., to provide that, upon advertising for the first public hearing on adopting an ordinance proposing to annex state-owned lands, a municipality must notify by writing or e-mail the legislative delegation of the county in which the land is located.

Sections 2 and 3 reenact ss. 101.6102 and 171.042, F.S. for the purpose of incorporation.

Section 4 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹¹ Section 171.0413(5), F.S.

¹² Section 171.0413(2)(a), F.S.

¹³ Section 171.0413(2)(a)-(b), F.S.

¹⁴ Section 171.0413(2)(e), F.S.

¹⁵ Section 171.0413(6), F.S.

¹⁶ Section 171.044, F.S.

¹⁷ Section 171.044(5), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends s. 171.0413, Florida Statutes. The bill reenacts ss. 101.6102 and 171.042, Florida Statutes.

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 Environment and Natural Resources on March 17, 2025:

The underlying bill provides that each ordinance proposing annexation *may* propose only one reasonably compact area to be annexed. The amendment reverts this change back to

current law, which requires each ordinance to propose only one reasonably compact area to be annexed.

CS by Community Affairs on March 3, 2025:

The committee substitute specifies that notice must be given to each member of the delegation, as opposed to the delegation generally.

B. Amendments:

None.

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

By the Committees on Environment and Natural Resources; and
Community Affairs; and Senators Burton and Brodeur

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A bill to be entitled

An act relating to annexing state-owned lands;
amending s. 171.0413, F.S.; requiring a municipality
proposing to annex state-owned lands to notify each
member of the legislative delegation of the county at
a certain time; reenacting ss. 101.6102(5) and
171.042, F.S., relating to mail ballot elections and
limitations and prerequisites to annexation,
respectively, to incorporate the amendment made to s.
171.0413, F.S., in references thereto; providing an
effective date.

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

Section 1. Subsection (1) of section 171.0413, Florida
Statutes, is amended to read:

171.0413 Annexation procedures.—Any municipality may annex
contiguous, compact, unincorporated territory in the following
manner:

(1) An ordinance proposing to annex an area of contiguous,
compact, unincorporated territory must ~~shall~~ be adopted by the
governing body of the annexing municipality pursuant to the
procedure for the adoption of a nonemergency ordinance
established by s. 166.041.

(a) Before ~~Prior to~~ the adoption of the ordinance of
annexation, the local governing body shall hold at least two
advertised public hearings. The first public hearing must ~~shall~~
be on a weekday at least 7 days after the day that the first
advertisement is published. The second public hearing must ~~shall~~

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be held on a weekday at least 5 days after the day that the
second advertisement is published. Each such ordinance shall
propose only one reasonably compact area to be annexed.

(b) A municipality seeking to annex state-owned lands must,
in writing or by e-mail, notify each member of the legislative
delegation of the county in which the land is located when the
advertisement for the first public hearing is published.

(c) Before ~~However, prior to~~ the ordinance of annexation
~~becomes becoming~~ effective, a referendum on annexation must
~~shall~~ be held as set out below, and, if approved by the
referendum, the ordinance shall become effective 10 days after
the referendum or as otherwise provided in the ordinance, but
not more than 1 year following the date of the referendum.

Section 2. For the purpose of incorporating the amendment
made by this act to section 171.0413, Florida Statutes, in a
reference thereto, subsection (5) of section 101.6102, Florida
Statutes, is reenacted to read:

101.6102 Mail ballot elections; limitations.—

(5) Nothing in this section shall be construed to prohibit
the use of a mail ballot election in a municipal annexation
referendum requiring separate vote of the registered electors of
the annexing municipality and of the area proposed to be
annexed. If a mail ballot election is authorized for a municipal
annexation referendum, the provisions of ss. 101.6101-101.6107
shall control over any conflicting provisions of s. 171.0413.

Section 3. For the purpose of incorporating the amendment
made by this act to section 171.0413, Florida Statutes, in
references thereto, section 171.042, Florida Statutes, is
reenacted to read:

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171.042 Prerequisites to annexation.—

(1) Before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a feasibility study setting forth the plans to provide urban services to any area to be annexed, and the feasibility study must include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in the area to be annexed.

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans must:

1. Provide for extending urban services except as otherwise provided in this subsection to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality before annexation.

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or

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subdivisions.

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(2) Not fewer than 15 days before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a copy of the feasibility study required by this section with the board of county commissioners of the county in which the municipality is located. Failure to timely file the feasibility study as required in this subsection may be the basis for a cause of action to invalidate the annexation.

(3) The governing body of the municipality shall, not less than 10 days prior to the date set for the first public hearing required by s. 171.0413(1), mail a written notice to each person who resides or owns property within the area proposed to be annexed. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.

Section 4. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 480

INTRODUCER: Rules Committee; Banking and Insurance Committee and Senator DiCeglie

SUBJECT: Nonprofit Agricultural Organization Medical Benefit Plans

DATE: March 26, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Fav/CS
2.	McKay	McKay	CM	Favorable
3.	Johnson	Yeatman	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 480 allows nonprofit agricultural organizations to offer medical benefit plans and specifies that such plans are not insurance for purposes of the Florida Insurance Code (code). The exemption of these plans from the code will provide individuals and families with access to non-insurance products, medical benefit plans, through membership in a nonprofit agricultural organization. Many rural communities have limited access to medical providers and affordable health insurance coverage.¹ The medical benefit plans offered by an eligible nonprofit agricultural organization authorized pursuant to the bill will be exempt from insurance regulation and consumer protections that apply to health insurers, health maintenance organizations, and their policies and contracts under the code.

The bill may have an indeterminate negative fiscal impact on state government premium tax revenues to the extent that purchasers of health insurance policies or health maintenance organization contracts shift their business from these insurance products to the exempt health plans offered by nonprofit agricultural organizations.

The bill takes effect July 1, 2025.

¹ Brownfield, State Farm Bureaus work to join successful health care coverage program (Mar. 22, 2024), <https://www.brownfieldagnews.com/news/state-farm-bureaus-work-to-join-successful-health-care-coverage-program/> (last visited Feb. 25, 2025).

II. Present Situation:

The Patient Protection and Affordable Care Act (PPACA)²

On March 23, 2010, PPACA was signed into law. Among its sweeping changes to the U.S. health insurance system are requirements for health insurers to make coverage available to all individuals and employers,³ without exclusions, for preexisting medical conditions⁴ and without basing premiums on any health-related factors. PPACA imposes many insurance requirements, such as coverage of essential health benefits,⁵ prohibition on lifetime dollar limits⁶ on essential health benefits, rating and underwriting standards, reporting of medical loss ratios and payment of rebates,⁷ internal and external appeals of adverse benefit determinations, and other requirements.⁸ PPACA preempts any state law that prevents the application of a PPACA.

Some health insurance products that consumers may purchase are not required to comply with all the federal health insurance requirements. For example, short-term limited duration insurance⁹ and excepted benefits¹⁰ are not required to comply with PPACA requirements. The short-term plans generally have substantially lower premiums than PPACA plans. However, they exclude individuals with pre-existing conditions and offer more limited benefits than PPACA plans.¹¹

Regulation of Insurance in Florida

Florida's Office of Insurance Regulation (OIR)¹² is responsible for the regulation of all activities of insurers and other risk-bearing entities, including licensure, rates,¹³ policy forms, market conduct, claims, solvency, administrative supervision, as provided under the Florida Insurance

² P.L. 111-148, 124 Stat. 119-1945 (2010). PPACA was amended by P.L. 111-152, the Health Care and Education Reconciliation Act of 2010.

³ PPACA s. 1201; PHSA s. 2702 (42 U.S.C. s. 300gg-1).

⁴ 42 U.S.C. s. 300gg-3.

⁵ Department of Financial Services, Division of Consumer Services, Health Care Reform and You (Sept. 2021), https://myfloridacfo.com/docs-sf/consumer-services-libraries/consumerservices-documents/understanding-coverage/consumer-guides/health-care-reform_english-web_fl.pdf?sfvrsn=97e2ae45_1 (last visited Feb. 24, 2025).

⁶ PPACA s. 1001; PHSA s. 2711 (42 U.S.C. s. 300gg-11).

⁷ 42 USC 300gg-1. PPACA requires health insurers to report to the HHS information concerning the percent of premium revenue spent on claims for clinical services and activities (medical loss ratio or MLR). Insurers must provide a rebate to consumers if the MLR is less than 85 percent in the large group market and 80 percent in the small group and individual markets.

⁸ The federal Tax Cut and Jobs Act of 2017 eliminated the individual coverage mandate tax penalty, effective 2019. Public Law No. 115-97.

⁹ Centers for Medicare and Medicaid Services, Short-term, limited-duration insurance and independent, coordinated excepted benefits coverage (Mar. 28, 2024), <https://www.cms.gov/newsroom/fact-sheets/short-term-limited-duration-insurance-and-independent-noncoordinated-excepted-benefits-coverage-cms> (last visited Feb. 25, 2025).

¹⁰ 45 CFR s. 148.220. Excepted benefits include coverage only for accident, disability income insurance, liability insurance, workers' compensation insurance, automobile medical payments insurance, and other specified coverage.

¹¹ Kaiser Family Foundation, Why Do Short-Term Health Insurance Plans Have Lower Premiums Than Plans That Comply with the ACA? (Oct. 31, 2018), <https://www.kff.org/affordable-care-act/issue-brief/why-do-short-term-health-insurance-plans-have-lower-premiums-than-plans-that-comply-with-the-aca/> (last visited Feb. 25, 2025).

¹² The OIR is an office under the Financial Services Commission (commission), which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. The commission is not subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters. Section 20.121(3), F.S.

¹³ Pursuant to s. 627.062(1), F.S., rates may not be excessive, inadequate, or unfairly discriminatory.

Code (code).¹⁴ Insurance is classified into the following kinds of insurance: life, health, property, casualty, surety, marine, and title.¹⁵ The code defines “insurance” as a contract whereby one undertakes to indemnify another or pay or allow a specified amount or a determinable benefit upon determinable contingencies.¹⁶ Health insurance is insurance of human beings against bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance pertaining to it.¹⁷ Health insurance does not include workers’ compensation coverage, except as provided in s. 624.406, F.S.¹⁸

The OIR monitors the solvency of insurers, and takes administrative action, if necessary, against any authorized insurer if OIR determines that the continued operation of the insurer may be deemed hazardous to its policyholders or creditors, or to the general public.¹⁹ If an insurer is found to be insolvent and is ordered to be liquidated by a court, a receiver takes over the insurer under court supervision and processes the assets and liabilities through liquidation.

Generally, once an insurance company is liquidated, an insurance guaranty association becomes liable for the policy or contract obligations of the liquidated insurance company. In Florida, the Florida Life and Health Insurance Guaranty Association (association)²⁰ is the guaranty association for most insurance companies that write life, health insurance or annuities in Florida.²¹ Insurance guaranty funds are designed to protect policyholders of liquidated insurers from financial losses and delays in claim payments, up to limits provided by law.²² The association services covered policies and contracts, collects premiums, and pays valid claims.²³ All insurers authorized to write life insurance policies, health insurance policies, supplemental contracts, and annuity contracts (with exceptions) in Florida are required, as a condition of doing business in this state, to be member insurers of the association.²⁴

Health Benefits Exempt from the Florida’s Insurance Code

Currently the code exempts nonprofit religious organizations,²⁵ commonly known as a health care sharing ministry, from the regulatory requirements and consumer protections if the nonprofit religious organization meets the following requirements:

¹⁴ Section 20.121(3)(a)1., F.S.

¹⁵ Section 624.6011, F.S.

¹⁶ Section 624.402, F.S.

¹⁷ Section 624.403, F.S.

¹⁸ *Id.*

¹⁹ Section 624.805, F.S.

²⁰ For a consumer or subscriber that has coverage through a health maintenance organization (HMO), the Health Maintenance Organization Consumer Assistance Plan under part IV of chapter 631, F.S., was created to protect subscribers of HMOs, subject to certain limitations, against the failure of an HMO to perform its contractual obligations due to its solvency. Section 631.812, F.S.

²¹ Part III of ch. 631, F.S.

²² Section 631.712, F.S.

²³ See the association’s website available at <https://www.flahiga.org/About> (last viewed Feb. 24, 2025). The maximum amount of protection provided by the association for major medical health insurance is \$500,000 per insured life. [Florida Life & Health Insurance Guaranty Association - Frequently Asked Questions](#) (last visited Feb. 25, 2025).

²⁴ Sections 631.713 and 631.715, F.S.

²⁵ Section 624.1265, F.S., refers to health care sharing ministries as “nonprofit religious organizations.” A health care sharing ministry is an organization that facilitates the sharing of health care expenses among individuals with similar and sincerely

- Qualifies under Title 26, s. 501 of the Internal Revenue Code of 1986, as amended.
- Limits its participants to those members who share a common set of ethical or religious beliefs.
- Acts as a facilitator among participants who have financial, physical, or medical needs to assist those with financial, physical, or medical needs in accordance with criteria established by the nonprofit religious organization.
- Provides for the financial or medical needs of a participant through contributions from other participants, or through payments directly from one participant to another participant.
- Provides amounts that participants may contribute, with no assumption of risk and no promise to pay among the participants or by the nonprofit religious organization to the participants.
- Provides a monthly accounting to the participants of the total dollar amount of qualified needs shared in the previous month in accordance with criteria established by the nonprofit religious organization.
- Conducts an annual financial audit that is performed by an independent certified public accountant and makes a copy of the audit report publicly available upon request or posts a copy of the audit report on the nonprofit religious organization's website.
- Does not market or sell health plans through insurance agents licensed by the Department of Financial Services under Ch. 626, F.S.

The nonprofit religious organization must provide a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the nonprofit religious organization. The disclaimer must read in substance:

“Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor its plan of operation is an insurance policy. Membership is not offered through an insurance company, and the organization is not subject to the regulatory requirements or consumer protections of the Florida Insurance Code. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant is compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payments for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills.”

However, the provisions of s. 624.1265, F.S. do not prevent:

- A participant from limiting the financial or medical needs that may be eligible for payment; or
- The nonprofit religious organization from canceling the membership of a participant when such participant indicates his or her unwillingness to participate by failing to meet the conditions of membership for a period greater than 60 days.

held beliefs. These organizations resemble insurance in that members generally pay monthly membership fees and submit claims when they incur medical bills.

Approximately 30 states have exempted health care sharing ministries (HCSM) explicitly from insurance regulation.²⁶ A member of a health care sharing ministry (HCSM) will typically contribute a monthly payment to cover the qualifying medical expenses of other members. The HCSMs will match paying members who need the health care funds or pool all the monthly shares and administer payments to members directly. Some people may enroll in HCSMs because of their typically lower upfront costs, compared to PPACA-compliant plans. HCSMs are not insurance and cannot guarantee payment of claims, i.e., while they may share funds with members who have health needs, they are not legally required to do so. Further, the HCSMs do not have to comply with state or federal insurance regulations and consumer protections.

According to the Department of Financial Services,²⁷ plans offered by the HCSM are not subject to federal and state mandated benefits and there is no guaranty fund if a company ceases operation. There is little oversight of the organizations since no state or federal agency has regulatory authority unless the organization is determined to be operating illegally in a state. There is a history of illicit organizations claiming they are exempt from state laws based on a health care sharing ministry exemption. Several of these organizations have ceased to operate over the past several years and left individuals throughout the United States with unpaid medical bills.

Nonprofit Agricultural Organizations that Offer Medical Benefit Plans Exempted from Insurance Regulation in Other States

The American Farm Bureau Federation is a national organization that was established in 1919 to advocate for the interests of farmers, ranchers, and other persons associated with agriculture. There are state farm bureau offices in all 50 states and in Puerto Rico.²⁸ Membership in a local farm bureau is open to anyone who pays the membership fee. Each state farm bureau provides member benefits, which may include offering health care benefits to its members.²⁹

Several states have exempted nonprofit agricultural organizations or cooperatives, which offer and sell medical benefit plans, from state insurance regulations and consumer protections. State Farm Bureaus offer medical benefit plans in several states³⁰ an alternative to health insurance coverage that aims to offer lower costs for individual benefits to members and their families, self-employed farmers, and others.³¹ The Farm Bureau Health Plans in Tennessee, a member service company of the Tennessee Farm Bureau Federation, has been offering medical benefit

²⁶ National Association of Insurance Commissioners, What you should know about health care sharing ministries, discount plans, and risk sharing plans, (Dec. 13, 2023), <https://content.naic.org/article/what-you-should-know-about-health-care-sharing-ministries-discount-plans-and-risk-sharing-plans> (last visited Feb. 25, 2025).

²⁷ Department of Financial Services, Legislative Bill Analysis of SB 480, as filed (Feb. 14, 2025).

²⁸ American Farm Bureau Federation, Who we are, <https://www.fb.org/about/who-we-are> (last visited Feb. 24, 2025).

²⁹ Congressional Research Service, Applicability of Federal Requirements to Selected Coverage Arrangements: An Overview (Nov. 13, 2019), <https://crsreports.congress.gov/product/pdf/IF/IF11359/3> (last visited Feb. 24, 2025).

³⁰ Arkansas (2023 SB 324), Indiana (IN Code s. 27-1-2.2-4), Iowa (IA s. 505.20), Kansas (KS Stat s.40-2222), Nebraska (NE Code s. 44-7,119), North Dakota (2023 SB 2349), South Dakota (2021 SB 87), Tennessee (TN Code s. 56-2-121), Texas (TX Ins Code s. 1682.005).

³¹ Insurance Newsnet, Farm bureau launches new health plan that is everything but 'insurance' (Oct. 12, 2024), <https://insurancenewsnet.com/oarticle/farm-bureau-launches-new-health-plan-that-is-everything-but-insurance> (last visited Feb. 24, 2025).

plans since 1947 and currently provides medical benefit plans for more than 200,000 residents.³² The vast majority of farmers and farm workers who lack health insurance coverage have incomes below 400 percent of the federal poverty level, which is the income cut-off for federal subsidies on policies offered on the Health Insurance Marketplace³³ that help pay for premiums in the individual health insurance market.³⁴ In addition to individual and family plans, Medicare, dental and vision, and small employer medical benefit plans are offered to members.³⁵

In regard to pre-existing condition waiting periods, benefits will not be provided until a member has completed a waiting period of at least six months for all contracts and nine months for maternity on family contracts.³⁶ These plans require medical underwriting,³⁷ which may affect eligibility and rates.³⁸ The plans are not compliant with PPACA, which means they can medically underwrite covered individuals, impose waiting periods for preexisting conditions, and are not required to provide essential health benefits, etc. These plans are only available to Farm Bureau members, though an individual does not necessarily need to be affiliated with the agricultural industry to become a member.⁹

In 2017, Minnesota³⁹ enacted legislation that allows for the formation of agricultural cooperatives to operate self-funded health plans. Plan membership is restricted to farmers or other people in the agriculture industry.⁴⁰ The plans accept all who apply but are underwritten such that people with prior health conditions can be charged higher premiums.⁴¹

III. Effect of Proposed Changes:

Section 1 creates s. 624.4032, F.S., relating to nonprofit agricultural organization medical benefit plans, to authorize nonprofit agricultural organizations to offer health benefit options to their members. The term “nonprofit agricultural organization” means an organization that meets the following criteria:

³² Farm Bureau Health Plans Tennessee, [Why Choose Farm Bureau Health Plans? | Farm Bureau Health Plans](#) (last visited Feb. 27, 2025).

³³ HealthCare.gov, Welcome to the Health Insurance Marketplace, [Welcome to the Health Insurance Marketplace® | HealthCare.gov](#) (last visited Feb. 25, 2025). The website provides individuals with access to obtaining PPACA-compliant health insurance coverage during open enrollment and special enrollment periods. Individuals may qualify for subsidies or Medicaid, contingent on their income.

³⁴ Center on Budget and Policy Priorities, Expanding Skimpy Health Plans Is the Wrong Solution for Uninsured Farmers and Farm Workers (Jul. 17, 2018), <https://www.cbpp.org/research/health/expanding-skimpy-health-plans-is-the-wrong-solution-for-uninsured-farmers-and-farm> (last visited Feb. 25, 2025).

³⁵ Farm Bureau Health Plans Tennessee, [Frequently Asked Questions | Farm Bureau Health Plans](#) (last visited Feb. 25, 2025).

³⁶ Farm Bureau Health Plans Tennessee, [Individual and Family Plans | Core Choice | Farm Bureau Health Plans](#) (last visited Feb. 25, 2025).

³⁷ Medical underwriting is a process used by insurers to determine the health status of an applicant for insurance coverage, and to determine whether to offer an applicant coverage, at what price, and with what exclusions or limits. See <https://www.healthcare.gov/glossary/medical-underwriting/> (last visited Feb. 26, 2025).

³⁸ Farm Bureau Health Plans Tennessee, [Home](#) (last visited Jan. 25, 2025).

³⁹ State Health Access Data Assistance Center, Alternatives to ACA Compliant Plans in the Individual Market (Nov. 15, 2019), <https://www.shadac.org/news/alternatives-aca-compliant-plans-individual-market> (last visited Feb. 25, 2025).

⁴⁰ The Minnesota Star Tribune, Farmer cooperative health plans may rattle individual market in Minnesota (Nov. 14, 2017), <https://www.startribune.com/farmer-cooperative-health-plans-may-rattle-individual-market-in-minnesota/457321193> (last visited Feb. 25, 2025).

⁴¹ *Id.*

- Is domiciled in Florida.
- Is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.
- Was created primarily to promote programs for the development of rural communities and the economic stability and sustainability of farmers in Florida.
- Exists to serve its members beyond only offering health coverage.
- Collects annual dues from its members.
- Was in existence before 1945.
- Is composed of members who, collectively, are residents of the majority of counties in this state.

Further, a nonprofit agricultural association:

- May offer medical benefit plans to its members. Such plans are not insurance for purposes of the Florida Insurance Code.
- Must provide a written disclaimer on or accompanying all applications and marketing materials for a medical benefit plan, regardless of whether such applications and marketing materials are distributed by or on behalf of the nonprofit agricultural organization. The disclaimer must read substantially in the following form:

“Notice: This medical benefit plan is not a health insurance policy or health maintenance organization contract and is not subject to the regulatory requirements and consumer protections that apply to health insurance policies or health maintenance organization contracts under the Florida Insurance Code. The nonprofit agricultural organization offering this medical benefit plan is not an authorized insurer or authorized health maintenance organization in Florida and the nonprofit agricultural organization is not subject to the regulatory requirements or consumer protections of the Florida Insurance Code.”

- May not market or sell health benefit plans through agents licensed by the department.⁴²
- Must conduct an annual financial audit that is performed by an independent certified public accountant and make a copy of the audit publicly available upon request or post it online on the organization’s website.

Because such medical benefit plans are not insurance, various state statutes relating to regulation of forms and rates, financial regulations, availability of a guaranty funds in the event of an insolvency and other consumer protections, and mandated benefits will not apply to nonprofit agricultural organization plans.

Section 2 provides this act takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴² The term “department” means the Department of Financial Services.

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:

Individuals, families, or small businesses who are ineligible for subsidies through the Health Insurance Marketplace may be able to obtain a lower cost alternative to health insurance through plans offered by nonprofit agricultural organizations.

If the nonprofit agricultural organization is unable to pay claims or becomes insolvent, there is no state guaranty fund to pay claims.

C. Government Sector Impact:

Insurance premium tax revenues may be reduced to the extent that purchasers of health plans shift their business from health insurance to the exempt health plans proposed by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 624.4032 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Rules on Mar. 26, 2025:

The CS makes a technical change to correct a reference to an auditing standard.

CS by Banking and Insurance on Mar. 10, 2025:

The CS:

- Revises and transfers the provisions of the bill from newly created Part II of ch. 632, F.S., to newly created s. 624.4032, F.S.
- Replaces the term, “health coverage,” a health insurance related term, with the term, “medical benefit plans.”
- Authorizes nonprofit agricultural organizations to offer health benefit plans to their members, and specifies such coverage is not insurance for purposes of the Florida Insurance Code.
- Requires a nonprofit agricultural organization to provide a written disclaimer on or accompanying all applications and marketing materials for a medical benefit plan.
- Provides that a nonprofit agricultural organization may not market or sell health benefit plans through agents licensed by the department.
- Requires a nonprofit agricultural organization to conduct an annual financial audit that is performed by an independent certified public accountant and make a copy publicly available upon request or post it online on the organization’s website.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2025	.	
	.	
	.	
	.	

The Committee on Rules (Gruters) recommended the following:

Senate Amendment

Delete line 71
and insert:
accordance with generally accepted auditing standards and

By the Committee on Banking and Insurance; and Senator DiCeglie

597-02250-25

2025480c1

A bill to be entitled

An act relating to nonprofit agricultural organization medical benefit plans; creating s. 624.4032, F.S.; providing legislative purpose; defining the term "nonprofit agricultural organization"; authorizing nonprofit agricultural organizations to provide medical benefit plans; specifying that such plans are not insurance for purposes of the Florida Insurance Code; requiring a specified disclosure; providing requirements for the disclosure; prohibiting the nonprofit agricultural organization from marketing or selling a medical benefit plan through specified agents; requiring the nonprofit agricultural organization to conduct an annual financial audit and make such audit publicly available; providing an effective date.

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

Section 1. Section 624.4032, Florida Statutes, is created to read:

624.4032 Nonprofit agricultural organization medical benefit plans.—

(1) The purpose of this section is to authorize nonprofit agricultural organizations to offer medical benefit plans to their members.

(2) For purposes of this section, the term "nonprofit agricultural organization" means an organization that meets all of the following criteria:

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-02250-25

2025480c1

(a) Is domiciled in this state.

(b) Is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

(c) Was created primarily to promote programs for the development of rural communities and the economic stability and sustainability of farmers in this state.

(d) Exists to serve its members beyond only offering medical expense plans.

(e) Collects annual dues from its members.

(f) Was in existence before 1945.

(g) Is composed of members who, collectively, are residents of the majority of counties in this state.

(3) A nonprofit agricultural organization:

(a) May offer medical benefit plans to its members. Such plans are not insurance for purposes of the Florida Insurance Code.

(b) Shall provide a written disclaimer on or accompanying all applications and marketing materials for a medical benefit plan, regardless of whether such applications and marketing materials are distributed by or on behalf of the nonprofit agricultural organization. The disclaimer must be in contrasting color and at least 12-point type. The disclaimer must read in substantially the following form:

Notice: This medical benefit plan is not a health insurance policy or health maintenance organization contract and is not subject to the regulatory requirements and consumer protections that apply to health insurance policies or health maintenance

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-02250-25

2025480c1

59 organization contracts under the Florida Insurance
60 Code. The nonprofit agricultural organization offering
61 this medical benefit plan is not an authorized insurer
62 or authorized health maintenance organization in
63 Florida and the nonprofit agricultural organization is
64 not subject to the regulatory requirements or consumer
65 protections of the Florida Insurance Code.
66
67 (c) May not market or sell medical benefit plans through
68 agents licensed by the department.
69 (d) Must conduct an annual financial audit that is
70 performed by an independent certified public accountant in
71 accordance with generally accepted accounting principles and
72 make it publicly available either by providing a copy upon
73 request or posting it on the nonprofit agricultural
74 organization's website.
75 Section 2. This act shall take effect July 1, 2025.



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

March 19, 2025

Dear Chair Passidomo,

I respectfully request that **SB 480: Nonprofit Agricultural Organization Medical Benefit Plans** be placed on the agenda of the Committee on Rules. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB 480

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tripp Hunter

Phone

850-448-8012

Address

Street

Email

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Farm Bureau



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

480

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E. College Ave.

Email

dmartinez@afphq.org

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Americans for Prosperity

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 538

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bradley

SUBJECT: State Courts System

DATE: March 25, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Favorable
2.	Kolich	Harkness	ACJ	Fav/CS
3.	Bond	Yeatman	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 538 allows a circuit court duty judge, which is a judge who is responsible for handling urgent matters outside of regular court hours, to hold and conduct hearings in places other than his or her chambers, repeals the \$1,500 per day limit on fees paid to a court-appointed arbitrator, and allows a judge to authenticate documents containing written statements under oath made by others without using a personal or court seal. The bill also allows the clerks to request specified reimbursements through the Justice Administrative Commission (JAC) rather than through the Office of the State Courts Administrator (OSCA).

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Circuit Judges

In 1935, the Legislature enacted a requirement that judicial circuits having more than one circuit judge, if possible, have at least one circuit judge available at all times to hold and conduct hearings in chambers.¹ This judge is commonly referred to as a “duty judge.” The statutory

¹ Ch. 17085, §4, at 699, Laws of Fla. (1935), codified in s. 26.20, F.S.

requirement to designate a duty judge in judicial circuits supports the prompt and efficient administration of justice by having a judge available during work hours, after hours, weekends, and holidays to handle emergency judicial matters. These emergency matters may include applications for search or arrest warrants, pen registers, petitions for *ex parte* injunctive relief to prevent domestic and repeat violence, communications intercepts, and medical consents. Over time, the number of circuit judges has grown, and presently all judicial circuits have more than one circuit judge.² Accordingly, each circuit maintains a duty judge schedule.

Along with growth in the number of circuit judges since 1935, technological innovations have transformed the way judges carry out judicial activities and conduct court proceedings. Judges routinely access case files, issue orders, and conduct hearings from locations other than a physical courthouse or their chambers using case management and communication technologies. The adoption of these technologies has led to greater efficiency for judges and court users and better access to the courts. The language of s. 26.20, F.S., implies that a duty judge must work at the courthouse or in a judge's chambers is outdated.

Arbitration Fees

Section 44.103(2), F.S., authorizes a trial court to refer a contested civil action to nonbinding arbitration. Arbitrators in these proceedings are compensated by the parties or, if a party is indigent, by the court. The fee for arbitration services is set by the chief judge in each circuit but is subject to a statutory cap of \$1,500 per diem unless the parties agree otherwise.³ The statutory cap has not been adjusted since 2005.⁴

Oaths, Affidavits and Acknowledgements before a Judge

Except as otherwise provided under law, oaths, affidavits, and acknowledgments may be taken or administered by or before any judge, clerk, or deputy clerk of any court in this state, including the federal courts, or by or before any United States commissioner or any notary public.⁵ The jurat, or certificate of proof or acknowledgement, for the oath, affidavit, or acknowledgement must be authenticated by the signature and official seal of the person authenticating the document. A judge, clerk, or deputy clerk may also satisfy the seal requirement by using the seal of his or her court of record.

It is not uncommon for a judge to administer oaths at locations other than a courthouse where a personal or court seal is unavailable. Typically, in such circumstances, the judge provides his or her signature and prints his or her name, title, and court on the jurat or certificate of proof or acknowledgment. However, an oath recently authenticated by a District Court of Appeal judge in such a manner was rejected by the Department of State because it did not include the seal of the District Court of Appeal as required by s. 92.50, F.S.

² The current number of circuit judges in each judicial circuit ranges from 4 in the 16th Judicial Circuit (Monroe County) to 80 in the 11th Judicial Circuit (Miami-Dade County). Section 26.031, F.S.

³ Florida Rule of Civil Procedure 1.810(b) provides: "The chief judge of each judicial circuit shall establish the compensation of arbitrators subject to the limitations in section 44.103(3), Florida Statutes."

⁴ Section 32, ch. 2005-236, Laws of Fla.

⁵ Section 92.50(1), F.S.

III. Effect of Proposed Changes:

The bill amends s. 26.20, F.S., to repeal outdated language and to allow a duty judge to hold and conduct hearings in places other than his or her chambers.

The bill amends s. 28.35, F.S., to require the Florida Clerks of Court Operations Corporation to prepare an annual budget request which provides the anticipated amount necessary for reimbursements relating to petitions issued by the court for protection against domestic violence, repeat violence, sexual violence, dating violence, stalking and against exploitation of a vulnerable adult.

The bill amends ss. 741.30, 784.046, 784.0485, and 825.1035, F.S., to allow the clerk of the circuit court to submit their requests for reimbursement through the Justice Administrative Commission (JAC) rather than the Office of the State Courts Administrator. The submissions must be submitted in the form and manner prescribed by the JAC.

The bill amends s. 44.103, F.S., to repeal the statutory cap on the fees that a court-ordered arbitrator may charge. The current cap limits the fees that court-appointed arbitrators may charge to \$1,500 per day unless agreed otherwise by the parties. The repeal of the fee cap, however, does not affect the ability of the chief judge of a judicial circuit to limit such fees.

The bill amends s. 92.50, F.S., to authorize a state or federal judge in this state to authenticate oaths, affidavits, and acknowledgements by simply providing a signature and printing the judge's name, title, and court on the jurat or certificate of proof or acknowledgment. The use of a personal or court seal is no longer required when a judge authenticates those documents.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 26.20, 28.35, 44.103, 92.50, 741.30, 784.046, 784.0485, and 825.1035.

This bill reenacts the following sections of the Florida Statutes: 28.2221, 92.525, 110.12301, and 112.181.

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 Appropriations Committee on Criminal and Civil Justice on March 18, 2025:

The committee substitute:

- Requires the Florida Clerks of Court Operations Corporation to annually prepare a budget request which provides the anticipated amount necessary for reimbursement relating to petitions issued by the court for protection against domestic violence, repeat violence, sexual violence, dating violence, stalking, and exploitation of a vulnerable adult.
- Allows the clerk of the circuit court to submit their requests through the Justice Administrative Commission rather than the Office of the State Courts Administrator.

- Provides that the requests must be submitted in the form and manner prescribed by the JAC.

B. Amendments:

None.

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

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Bradley

604-02551-25

2025538c1

1 A bill to be entitled
2 An act relating to the state courts system; amending
3 s. 26.20, F.S.; revising the availability of judges to
4 require at least one circuit judge in each circuit to
5 be available for hearings with limited notice;
6 amending s. 28.35, F.S.; revising the duty of the
7 Florida Clerks of Court Operations Corporation to
8 provide an annual budget request to be pursuant to
9 specified provisions; amending s. 44.103, F.S.;
10 deleting the per diem cap for arbitrators who
11 participate in court-ordered, nonbinding arbitration;
12 amending s. 92.50, F.S.; authorizing judges to
13 authenticate a jurat, or certificate of proof or
14 acknowledgment, by affixing their signature and
15 printing their name, title, and court; amending ss.
16 741.30, 784.046, 784.0485, and 825.1035, F.S.;
17 authorizing clerks of the court to submit to the
18 Justice Administrative Commission, rather than the
19 Office of the State Courts Administrator, certified
20 requests for reimbursements for the filing of certain
21 petitions; requiring that requests be submitted in the
22 form and manner prescribed by the Justice
23 Administrative Commission; reenacting ss.
24 28.2221(6)(b), 92.525(1), 110.12301(2)(a) and (d), and
25 112.181(2), F.S., relating to electronic access to
26 official records restricted from public display,
27 inspection, or copying; verification of documents;
28 spouse and dependent eligibility verification by
29 affidavit; and affidavits from firefighters,

Page 1 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

604-02551-25

2025538c1

30 paramedics, emergency medical technicians, law
31 enforcement officers, and correctional officers to be
32 entitled to a certain presumption, respectively, to
33 incorporate the amendment made to s. 92.50, F.S., in
34 references thereto; providing an effective date.
35
36 Be It Enacted by the Legislature of the State of Florida:
37
38 Section 1. Section 26.20, Florida Statutes, is amended to
39 read:
40 26.20 Availability of judge for hearings ~~in chambers.~~
41 ~~circuits having more than one circuit judge.~~ At least one
42 circuit judge in each circuit must of said judges shall be
43 available as nearly as possible at all times to hold and conduct
44 hearings with limited notice in chambers. In each circuit, there
45 must be at least one judge available on Saturdays, Sundays,
46 holidays, and after hours on weekdays to hear motions for a
47 temporary injunction ex parte in domestic violence cases. The
48 chief judge may assign a judge for this purpose.
49 Section 2. Paragraph (i) of subsection (2) of section
50 28.35, Florida Statutes, is amended to read:
51 28.35 Florida Clerks of Court Operations Corporation.—
52 (2) The duties of the corporation shall include the
53 following:
54 (i) Annually preparing a budget request which,
55 notwithstanding the provisions of chapter 216 and in accordance
56 with s. 216.351, provides the anticipated amount necessary for
57 reimbursement pursuant to ss. 40.29(6), 741.30(2)(a),
58 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i) ~~s. 40.29(6).~~

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The request for the anticipated reimbursement amount must ~~shall~~ be submitted in the form and manner prescribed by the Justice Administrative Commission. Such request is not subject to change by the Justice Administrative Commission, except for technical changes necessary to conform to the legislative budget instructions, and must ~~shall~~ be submitted to the Governor for transmittal to the Legislature.

Section 3. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.—

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by the parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. ~~At no time may an arbitrator charge more than \$1,500 per diem, unless the parties agree otherwise.~~ Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators are ~~shall be~~ entitled to be reimbursed pursuant to s. 112.061 for all actual

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expenses necessitated by service as an arbitrator.

Section 4. Subsection (1) of section 92.50, Florida Statutes, is amended to read:

92.50 Oaths, affidavits, and acknowledgments; who may take or administer; requirements.—

(1) IN THIS STATE.—Oaths, affidavits, and acknowledgments required or authorized under the laws of this state (except oaths to jurors and witnesses in court and such other oaths, affidavits and acknowledgments as are required by law to be taken or administered by or before particular officers) may be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this state, including federal courts, or by or before any United States commissioner or any notary public within this state. The jurat, or certificate of proof or acknowledgment, shall be authenticated by the signature and official seal of such officer or person taking or administering the same; however, when taken or administered by or before any judge, clerk, or deputy clerk of a court of record, the seal of such court may be affixed as the seal of such officer or person. The jurat, or certificate of proof or acknowledgment, may also be authenticated by a judge by affixing his or her signature and printing his or her name, title, and court.

Section 5. Paragraph (a) of subsection (2) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

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(2)(a) Notwithstanding any other law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission ~~Office of the State Courts Administrator~~ a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission ~~Office of the State Courts Administrator~~. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

Section 6. Paragraph (b) of subsection (3) of section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.—

(3)

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Justice Administrative Commission ~~Office of the State Courts Administrator~~ a certified request for reimbursement for petitions for protection issued by the court under this section at the rate of \$40 per petition.

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The request for reimbursement must ~~shall~~ be submitted in the form and manner prescribed by the Justice Administrative Commission ~~Office of the State Courts Administrator~~. From this reimbursement, the clerk shall pay the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

Section 7. Paragraph (a) of subsection (2) of section 784.0485, Florida Statutes, is amended to read:

784.0485 Stalking; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(2)(a) Notwithstanding any other law, the clerk of court may not assess a filing fee to file a petition for protection against stalking. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission ~~Office of the State Courts Administrator~~ a certified request for reimbursement for petitions for protection against stalking issued by the court, at the rate of \$40 per petition. The request for reimbursement must ~~shall~~ be submitted in the form and manner prescribed by the Justice Administrative Commission ~~Office of the State Courts Administrator~~. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

Section 8. Paragraph (i) of subsection (4) of section 825.1035, Florida Statutes, is amended to read:

825.1035 Injunction for protection against exploitation of

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175 a vulnerable adult.—

176 (4) CLERK'S DUTIES, RESPONSIBILITIES, AND CHARGES.—

177 (i) Notwithstanding any other provision of law, the clerk
178 of the circuit court may not assess an initial filing fee or
179 service charge for petitions filed under this section. However,
180 subject to legislative appropriation, the clerk of the circuit
181 court may, on a quarterly basis, submit a certified request for
182 reimbursement to the Justice Administrative Commission ~~Office of~~
183 ~~the State Courts Administrator~~ for the processing of such
184 petitions, at the rate of \$40 per petition. The request for
185 reimbursement must be submitted in the form and manner
186 prescribed by the Justice Administrative Commission ~~office~~. From
187 each reimbursement received, the clerk of the circuit court
188 shall pay any law enforcement agency serving the injunction for
189 protection against exploitation of a vulnerable adult the fee
190 requested by the law enforcement agency, to not exceed \$20.

191 Section 9. For the purpose of incorporating the amendment
192 made by this act to section 92.50, Florida Statutes, in a
193 reference thereto, paragraph (b) of subsection (6) of section
194 28.2221, Florida Statutes, is reenacted to read:

195 28.2221 Electronic access to official records.—

196 (6)

197 (b)1. For the purpose of conducting a title search, as
198 defined in s. 627.7711(4), of the Official Records, as described
199 in s. 28.222(2), and upon presentation of photo identification
200 and affirmation by sworn affidavit consistent with s. 92.50 to
201 the county recorder, information restricted from public display,
202 inspection, or copying under paragraph (5)(a) pursuant to a
203 request for removal made under s. 119.071(4)(d) may be disclosed

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204 to:

- 205 a. A title insurer authorized pursuant to s. 624.401 and
206 its affiliates as defined in s. 624.10;
207 b. A title insurance agent or title insurance agency as
208 defined in s. 626.841(1) and (2), respectively; or
209 c. An attorney duly admitted to practice law in this state
210 and in good standing with The Florida Bar.
211 2. The photo identification and affirmation by sworn
212 affidavit may be delivered in person, by mail, or by electronic
213 transmission to the county recorder.
214 3. The affiant requestor must attest to his or her
215 authority and the authorized purpose to access exempt
216 information pursuant to this section for the property specified
217 within the sworn affidavit.
218 4. The affiant requestor must identify the Official Records
219 book and page number, instrument number, or the clerk's file
220 number for each document requested within the sworn affidavit
221 and must include a description of the lawful purpose and
222 identify the individual or property that is the subject of the
223 search within the sworn affidavit.
224 5. Affidavits submitted by a title insurer, title insurance
225 agent, or title insurance agency must include the Florida
226 Company Code or the license number, as applicable, and an
227 attestation to the affiant requestor's authorization to transact
228 business in this state. Affidavits submitted by an attorney
229 authorized under this section must include the affiant
230 requestor's Florida Bar number and a statement that the affiant
231 requestor has an agency agreement with a title insurer directly
232 or through his or her law firm.

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233 6. The county recorder must record such affidavit in the
 234 Official Records, as described in s. 28.222(2), but may not
 235 place the image or copy of the affidavit on a publicly available
 236 Internet website for general public display.

237 7. Upon providing a document disclosing redacted
 238 information to an affiant requestor under this section, the
 239 county recorder must provide a copy of the affidavit requesting
 240 disclosure of the redacted information to each affected party at
 241 the address listed on the document or on the request for removal
 242 made by the affected party under s. 119.071. The county recorder
 243 must prepare a certificate of mailing to be affixed to the
 244 affidavit and must receive the statutory service charges as
 245 prescribed by s. 28.24 from the affiant requestor.

246 8. Any party making a false attestation under this section
 247 is subject to the penalty of perjury under s. 837.012.

248 Section 10. For the purpose of incorporating the amendment
 249 made by this act to section 92.50, Florida Statutes, in a
 250 reference thereto, subsection (1) of section 92.525, Florida
 251 Statutes, is reenacted to read:

252 92.525 Verification of documents; perjury by false written
 253 declaration, penalty.—

254 (1) If authorized or required by law, by rule of an
 255 administrative agency, or by rule or order of court that a
 256 document be verified by a person, the verification may be
 257 accomplished in the following manner:

258 (a) Under oath or affirmation taken or administered before
 259 an officer authorized under s. 92.50 to administer oaths;

260 (b) Under oath or affirmation taken or administered by an
 261 officer authorized under s. 117.10 to administer oaths; or

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262 (c) By the signing of the written declaration prescribed in
 263 subsection (2).

264 Section 11. For the purpose of incorporating the amendment
 265 made by this act to section 92.50, Florida Statutes, in
 266 references thereto, paragraphs (a) and (d) of subsection (2) of
 267 section 110.12301, Florida Statutes, are reenacted to read:

268 110.12301 Competitive procurement of postpayment claims
 269 review services and dependent eligibility verification services;
 270 public records exemption.—

271 (2) The department is directed to contract for dependent
 272 eligibility verification services for the state group insurance
 273 program.

274 (a) The department or the contractor providing dependent
 275 eligibility verification services may require the following
 276 information from subscribers:

277 1. To prove a spouse's eligibility:

278 a. If married less than 12 months and the subscriber and
 279 his or her spouse have not filed a joint federal income tax
 280 return, a government-issued marriage certificate;

281 b. If married for 12 or more months, a transcript of the
 282 most recently filed federal income tax return; or

283 c. If the documentation specified in sub-subparagraph a. or
 284 sub-subparagraph b. cannot be produced, an attestation of the
 285 marriage by sworn affidavit consistent with s. 92.50.

286 2. To prove a biological child's or a newborn grandchild's
 287 eligibility:

288 a. A government-issued birth certificate; or

289 b. If a birth certificate cannot be produced, an
 290 attestation of the subscriber-dependent relationship by sworn

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affidavit consistent with s. 92.50.

3. To prove an adopted child's eligibility:

a. An adoption certificate;

b. An adoption placement agreement and a petition for adoption; or

c. If the documentation specified in sub-subparagraph a. or sub-subparagraph b. cannot be produced, an attestation of the subscriber-dependent relationship by sworn affidavit consistent with s. 92.50.

4. To prove a stepchild's eligibility:

a. A government-issued birth certificate for the stepchild; and

b. The transcript of the subscriber's most recently filed federal income tax return.

5. To prove a child's eligibility under a guardianship, a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian.

6. To prove a foster child's eligibility, a copy of the records showing the subscriber or the subscriber's spouse as the dependent's foster parent.

7. To prove eligibility of an unmarried child age 26 to 30:

a. A copy of the child's government-issued birth certificate or adoption certificate naming the subscriber or the subscriber's spouse as the child's parent, or a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian;

b. A copy of the Certification of Over-Age Dependent Eligibility Form; and

c. A document confirming the child's current enrollment as

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a student, including the name of the child, the name of the school, and the school term; or a bill or statement in the child's name which is dated within the past 60 days and is mailed to the child at a Florida address.

8. To prove eligibility for a disabled child age 26 or older:

a. A copy of the child's government-issued birth certificate or adoption certificate naming the subscriber or the subscriber's spouse as the child's parent, or a copy of the court order naming the subscriber or the subscriber's spouse as the child's legal guardian or custodian; and

b. A copy of the transcript of the subscriber's most recently filed federal income tax return listing the child's name and the last four digits of the child's social security number and identifying the child as the subscriber's dependent for tax purposes.

(d) Foreign-born subscribers unable to obtain the necessary documentation within the specified time period of producing verification documentation may provide a sworn affidavit consistent with s. 92.50 attesting to eligibility requirements.

Section 12. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, subsection (2) of section 112.181, Florida Statutes, is reenacted to read:

112.181 Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases.—

(2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency rescue or public safety worker who suffers a condition or

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349 impairment of health that is caused by hepatitis, meningococcal
 350 meningitis, or tuberculosis, that requires medical treatment,
 351 and that results in total or partial disability or death shall
 352 be presumed to have a disability suffered in the line of duty,
 353 unless the contrary is shown by competent evidence; however, in
 354 order to be entitled to the presumption, the emergency rescue or
 355 public safety worker must, by written affidavit as provided in
 356 s. 92.50, verify by written declaration that, to the best of his
 357 or her knowledge and belief:

358 (a) In the case of a medical condition caused by or derived
 359 from hepatitis, he or she has not:

360 1. Been exposed, through transfer of bodily fluids, to any
 361 person known to have sickness or medical conditions derived from
 362 hepatitis, outside the scope of his or her employment;

363 2. Had a transfusion of blood or blood components, other
 364 than a transfusion arising out of an accident or injury
 365 happening in connection with his or her present employment, or
 366 received any blood products for the treatment of a coagulation
 367 disorder since last undergoing medical tests for hepatitis,
 368 which tests failed to indicate the presence of hepatitis;

369 3. Engaged in unsafe sexual practices or other high-risk
 370 behavior, as identified by the Centers for Disease Control and
 371 Prevention or the Surgeon General of the United States, or had
 372 sexual relations with a person known to him or her to have
 373 engaged in such unsafe sexual practices or other high-risk
 374 behavior; or

375 4. Used intravenous drugs not prescribed by a physician.

376 (b) In the case of meningococcal meningitis, in the 10 days
 377 immediately preceding diagnosis he or she was not exposed,

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378 outside the scope of his or her employment, to any person known
 379 to have meningococcal meningitis or known to be an asymptomatic
 380 carrier of the disease.

381 (c) In the case of tuberculosis, in the period of time
 382 since the worker's last negative tuberculosis skin test, he or
 383 she has not been exposed, outside the scope of his or her
 384 employment, to any person known by him or her to have
 385 tuberculosis.

386 Section 13. This act shall take effect July 1, 2025.

March 26, 2025

Meeting Date

Committee on Rules

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 538

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tad David - Supreme Court Committee on ADR Rules and Policy

Phone (850) 922-0350

Address 500 South Duval Street
Street

Email davidt@flcourts.gov

Tallahassee

City

Florida

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 26, 2025

Meeting Date

Committee on Rules

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 538

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sean Burnfin**

Phone **(850) 922-0358**

Address **500 South Duval Street**
Street

Email **burnfins@flcourts.gov**

Tallahassee

City

Florida

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

State Courts System

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

March 26, 2025

Meeting Date

Committee on Rules

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 538

Bill Number or Topic

Amendment Barcode (if applicable)

Name Judge Clay Roberts - Florida Conference of DCA Judges

Phone (850) 487-1000

Address 2000 Drayton Drive
Street

Email _____

Tallahassee

City

Florida

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 734

INTRODUCER: Senator Yarborough and others

SUBJECT: Actions for Recovery of Damages for Wrongful Death

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Favorable
2.	Gerbrandt	McKnight	AHS	Favorable
3.	Bond	Yeatman	RC	Favorable

I. Summary:

SB 734 expands the application of the Florida Wrongful Death Act by repealing exceptions that prohibit certain parents and children of a deceased patient who dies due to medical negligence from recovering noneconomic damages.

The bill may have an indeterminate negative fiscal impact on state and local governments. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

History of Wrongful Death Actions

Most of the state's tort law is derived from the common law. At common law, there was no right to recover for the negligent wrongful death of another person.¹ Over time, however, the Legislature authorized recoveries for wrongful death and expanded the types of damages recoverable and the classes of survivors entitled to recover. "Because wrongful death actions did not exist at common law, all claims for wrongful death are created and limited by Florida's Wrongful Death Act."²

The early versions of the state's wrongful death laws limited the right to recover damages to a surviving spouse, to surviving children if there was no surviving spouse, and to those dependent upon the decedent for support if there was no one belonging to the prior two classes, and finally to the executor of the decedent's estate if there was no one belonging from the prior three

¹ *Louisville & Nashville Railroad Co. v. Jones*, 45 Fla. 407, 416 (Fla. 1903).

² *Chinghina v. Racik*, 647 So. 2d 289, 290 (Fla. 4th DCA 1994).

classes.³ To show dependence on the decedent, a claimant had to show that he or she was a minor, physically or mentally disabled, or elderly.⁴ Adults who were mentally and physically capable of providing for themselves could not recover damages despite having been supported by the decedent.⁵ Any damages recoverable were limited to a form of economic damages.

The wrongful death law was substantially re-written in 1972.⁶ That law created the Florida Wrongful Death Act, which provides the framework for current law. One of the major changes made by this law was to consolidate or merge survival and wrongful death actions.⁷ A survival action is a legal action allowed under the survival statute to continue notwithstanding the plaintiff's death. As merged, the 1972 law allowed the statutory survivors to recover damages for their pain and suffering as a substitute for recoveries for the decedent's pain and suffering under the survival statute.⁸

The type of damages that a survivor is entitled to under the 1972 law depends upon the classification of the survivor. The 1972 law allows all survivors to recover the value of lost support and services, a type of economic damages. A surviving spouse may also recover loss of marital companionship and pain and suffering, types of noneconomic damages. Minor children, then defined as under age 21⁹ and unmarried, may also recover damages for loss of parental companionship and for their pain and suffering. The parents of a deceased minor child may also recover damage for their pain and suffering. Any survivor who pays the decedent's final medical, funeral, and burial expenses may recover those costs. The estate of the decedent may recover lost earnings from date of injury to date of death, plus net accumulations, which is essentially an estimate of the present value of the future estate that would have been available for inheritance.

A 1981 act expanded the definition of "minor children" to include all children of the decedent under age 25, regardless of whether any child is married or dependent.¹⁰ The statutes did not authorize a wrongful death action by a nondependent, adult child for the loss of a parent or an action by a parent for the loss of an adult child.¹¹

In 1990, the Legislature generally expanded the class of survivors entitled to recover damages for pain and suffering for a wrongful death.¹² As expanded, a decedent's adult children may recover damages for pain and suffering if there is no surviving spouse. The parents of an adult

³ *Duval v. Hunt*, 34 Fla. 85 (Fla. 1894) (discussing a wrongful death statute enacted in 1883).

⁴ *Id.* at 101-102.

⁵ The Court interpreted the dependency requirement in the statute as requiring a person to have a genuine inability to support himself or herself based on the view that strong, healthy adults who are capable of earning a livelihood should not be content to "live in idleness upon the fruits of [another's] labor." *Id.* at 101.

⁶ Chapter 72-35, Laws of Fla.

⁷ *Sheffield v. R.J. Reynolds Tobacco Co.*, 329 So. 3d 114, 121 (Fla. 2021).

⁸ *Martin v. United Sec. Services, Inc.*, 314 So. 2d 765, 767 (Fla. 1975).

⁹ Florida changed the age of majority from 21 to 18 in the following year, but that act did not change the reference to age 21 in the wrongful death law. Section 743.07, F.S.; chapter 73-21, Laws of Fla.

¹⁰ Chapter 81-183, Laws of Fla.

¹¹ *Mizrahi v. North Miami Medical Center, Ltd.*, 761 So. 2d 1040, 1042 (Fla. 2000).

¹² Chapter 90-14, Laws of Fla.

decedent may also recover damages for pain and suffering if there is no surviving spouse or surviving minor or adult children.¹³

However, the same law that expanded the class entitled to recover damages for pain and suffering for a wrongful death precluded the additional class members from recovering those damages for a wrongful death based on medical malpractice.¹⁴ Thus, a narrower group of survivors may recover damages for pain and suffering for a wrongful death that is caused by medical malpractice, and a broader group may recover damages for pain and suffering for a death that is caused by all other forms of negligence.

In a 2000 opinion, the Florida Supreme Court found the medical negligence exception constitutional.¹⁵ The Court found that the exception was rationally related to the need to control the costs of health care and medical malpractice insurance due to a medical malpractice insurance crisis. However, Justice Pariente, in her dissenting opinion, argued that the exception should be found to be unconstitutional because of her belief that the medical malpractice insurance crisis, which initially justified the exception, no longer existed.¹⁶ The Florida Supreme Court later found that the malpractice crisis was over,¹⁷ but that finding did not overrule the ruling that the medical negligence exceptions are constitutional.¹⁸

Current Effect of the Medical Negligence Exceptions to the Wrongful Death Law

Currently, neither an adult child (25+) of an unmarried person who dies due to medical negligence, nor the parents of an adult child (25+) who dies due to medical negligence, may recover noneconomic damages (commonly referred to as “pain and suffering damages”). They may, however, recover through the estate economic damages such as net accumulations, final medical bills, and funeral and burial expenses. Plaintiff’s attorneys report that these other damages are often insufficient to warrant the cost and time required to prosecute a medical negligence case.¹⁹

Medical Negligence Actions

Procedures for a Medical Negligence Action

Medical negligence claims are subject to statutory presuit screening and investigation requirements.²⁰ A claimant may, and typically does, request the relevant medical records, which must be furnished by the medical providers at a reasonable charge.²¹ The claimant must then

¹³ Chapter 90-14, Laws of Fla. (amending s. 768.18(3) and (4), F.S.). The adult children were also authorized by the 1990 law to recover noneconomic damages for lost parental companionship, instruction, and guidance.

¹⁴ *Id.* (amending s. 768.18(8), F.S.).

¹⁵ *Mizrahi v. North Miami Medical Center, Ltd.*, 761 So. 2d 1040, 1042 (Fla. 2000).

¹⁶ *Id.*

¹⁷ *Estate of McCall v. United States*, 134 So. 3d 894 (Fla. 2014). *North Broward Hospital District v. Kalitan*, 219 So. 3d 49 (Fla. 2017).

¹⁸ *Santiago v. Rodriguez*, 281 So. 3d 603 (Fla. 2nd DCA 2019), *rev. dismissed*, 2020 WL 927717 (Fla. 2020).

¹⁹ Fasig Brooks Law Offices, *Unfair and Illogical: Florida’s Wrongful Death Medical Malpractice Law*, <https://www.fasigbrooks.com/2019/02/unfair-and-illogical-floridas-wrongful-death-med/>, last visited Feb. 27, 2025, (stating that “such limited recovery would not make a malpractice lawsuit financially feasible”).

²⁰ Sections 766.104, 766.106 and 766.203, F.S.

²¹ Sections 766.104(3) and 766.204, F.S.

conduct a reasonable investigation of the claim and obtain a written opinion from a medical expert that malpractice occurred.²² The claimant may then serve a notice of intent to initiate litigation on every prospective defendant. The suit may not be filed until at least 90 days after service of the notice.²³ During the 90 days, the parties must engage in pretrial discovery²⁴ and the prospective defendant must conduct an investigation.²⁵ If not resolved in the 90 days, the claimant may file suit. When filing the suit, the attorney must file a certificate that he or she has reviewed the evidence and has a good faith belief that a medical negligence case is warranted.²⁶ Failure of the claimant to pursue the pretrial process constitutes grounds for a dismissal of the claim. A failure of any party to the action to cooperate with the presuit process may be grounds to strike any claim or defense raised by the non-cooperative party.²⁷ After the presuit requirements are met, a claim of medical negligence generally proceeds through the court system like any other tort action.

III. Effect of Proposed Changes:

The bill expands the application of the Florida Wrongful Death Act by repealing exceptions that prohibit certain parents and children of a deceased patient who dies due to medical negligence from recovering noneconomic damages. The bill provides that, where a wrongful death occurs as a result of medical negligence, a decedent's adult children may recover noneconomic damages if there is no surviving spouse and provides that the parents of an adult decedent may recover noneconomic damages if there is no surviving spouse or surviving minor or adult children.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²² Sections 766.104(1) and 766.203(2), F.S.

²³ Section 766.106(4), F.S.

²⁴ Section 766.106(6) and 766.205, F.S.

²⁵ Section 766.203(3), F.S.

²⁶ Section 766.104(1), F.S.

²⁷ Section 766.106(7), F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may provide for wrongful death recoveries by parties who are barred by current law and thus may correspondingly increase medical malpractice insurance premiums or medical malpractice self-insurance costs of medical providers. Similarly, the availability of damages for mental pain and suffering may provide a sufficient incentive for plaintiff attorneys who work on a contingency-fee-basis to pursue more medical negligence lawsuits.

C. Government Sector Impact:

The bill may create an indeterminate negative fiscal impact on state and local governments to the extent that a state or a local government operates or controls a medical care facility. Any such claims, however, would be limited by the state's sovereign immunity limits.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 768.21, 400.023, 400.0235, and 429.295.

This bill reenacts the following sections of the Florida Statutes: 95.11 and 429.29.

²⁸ Section 768.28, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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



142450

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/26/2025	.	
	.	
	.	
	.	

The Committee on Rules (Burton) recommended the following:

Senate Amendment (with title amendment)

Before line 17
insert:

Section 1. Subsection (14) is added to section 766.102,
Florida Statutes, to read:

766.102 Medical negligence; standards of recovery; expert
witness.—

(14) In an action alleging the medical negligence of a
health care provider, a final order or other findings adopted by
a board, as defined in s. 456.001, within the Department of



142450

Health pertaining to a complaint against the health care provider are discoverable and admissible as evidence in the action. If a party to the action failed to comply with or unreasonably delayed in responding to a request made by the department during the investigation of or a proceeding relating to the subject of the action, the party's failure or unreasonable delay is also discoverable and admissible in the action.

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

And the title is amended as follows:

Delete line 3

and insert:

wrongful death; amending s. 766.102, F.S.; providing for the discoverability and admissibility of final orders by a board of the Department of Health in medical malpractice actions; providing for the discoverability and admissibility of a party's noncompliance or unreasonable delays in complying with certain requests by the Department of Health; amending s. 768.21, F.S.; deleting a



769168

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/26/2025	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment to Amendment (142450) (with title amendment)

Delete lines 10 - 19
and insert:
health care provider or health care facility, any complaint,
investigative report, settlement, final order, or finding
arising from a disciplinary proceeding pursuant to s. 456.073,
or any prior adverse medical incident report under s. 25, Art. X
of the State Constitution, related to the health care provider
or health care facility is discoverable and admissible as



769168

evidence in the action.

Section 2. Section 766.114, Florida Statutes, is created to read:

766.114 Joinder of liability insurers in medical negligence actions.—Notwithstanding s. 627.4136, in any action brought under this chapter alleging medical negligence, a liability insurer providing coverage to a health care provider may be joined as a party defendant, and the existence of such insurance coverage may be disclosed to the jury.

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

And the title is amended as follows:

Delete lines 25 - 31

and insert:

wrongful death and medical negligence; amending s.
766.102, F.S.; providing for the discoverability and
admissibility of certain information regarding health
care providers or health care facilities in medical
negligence actions; creating s. 766.114, F.S.;
providing that a liability insurer may be joined as a
party defendant with a health care provider in medical
negligence actions; providing that such insurance
coverage may be disclosed to a jury in such actions;
amending



769168

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/26/2025	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment to Amendment (142450) (with title amendment)

Delete lines 10 - 19
and insert:
health care provider or health care facility, any complaint,
investigative report, settlement, final order, or finding
arising from a disciplinary proceeding pursuant to s. 456.073,
or any prior adverse medical incident report under s. 25, Art. X
of the State Constitution, related to the health care provider
or health care facility is discoverable and admissible as



769168

evidence in the action.

Section 2. Section 766.114, Florida Statutes, is created to read:

766.114 Joinder of liability insurers in medical negligence actions.-Notwithstanding s. 627.4136, in any action brought under this chapter alleging medical negligence, a liability insurer providing coverage to a health care provider may be joined as a party defendant, and the existence of such insurance coverage may be disclosed to the jury.

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

And the title is amended as follows:

Delete lines 25 - 31

and insert:

wrongful death and medical negligence; amending s.
766.102, F.S.; providing for the discoverability and
admissibility of certain information regarding health
care providers or health care facilities in medical
negligence actions; creating s. 766.114, F.S.;
providing that a liability insurer may be joined as a
party defendant with a health care provider in medical
negligence actions; providing that such insurance
coverage may be disclosed to a jury in such actions;
amending

By Senator Yarborough

4-00329-25

2025734

A bill to be entitled

An act relating to actions for recovery of damages for wrongful death; amending s. 768.21, F.S.; deleting a provision prohibiting the recovery of certain damages by specified parties related to the decedent in wrongful death proceedings; amending ss. 400.023, 400.0235, and 429.295, F.S.; conforming provisions to changes made by the act; reenacting ss. 95.11(11) and 429.29(1), F.S., relating to limitations other than for recovery of real property and civil actions to enforce rights, respectively, to incorporate the amendment made to s. 768.21, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (8) of section 768.21, Florida Statutes, is amended to read:

768.21 Damages.—All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

~~(8) The damages specified in subsection (3) shall not be recoverable by adult children and the damages specified in subsection (4) shall not be recoverable by parents of an adult child with respect to claims for medical negligence as defined by s. 766.106(1).~~

Section 2. Subsection (9) of section 400.023, Florida Statutes, is amended, and paragraph (b) of subsection (1) of

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00329-25

2025734

that section is republished, to read:

400.023 Civil enforcement.—

(1) An exclusive cause of action for negligence or a violation of residents' rights as specified under this part which alleges direct or vicarious liability for the personal injury or death of a nursing home resident arising from such negligence or violation of rights and which seeks damages for such injury or death may be brought only against the licensee, the licensee's management or consulting company, the licensee's managing employees, and any direct caregivers, whether employees or contractors. A passive investor is not liable under this section. An action against any other individual or entity may be brought only pursuant to subsection (3).

(b) If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall, after the verdict, but before the judgment is entered, elect survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.

(9) An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and ~~s. 768.21(8) does not apply to a claim alleging death of the resident.~~

Section 3. Section 400.0235, Florida Statutes, is amended to read:

400.0235 Certain provisions not applicable to actions under

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00329-25

2025734

59 this part.—An action under this part for a violation of rights
 60 or negligence recognized under this part is not a claim for
 61 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~
 62 ~~apply to a claim alleging death of the resident.~~

63 Section 4. Section 429.295, Florida Statutes, is amended to
 64 read:

65 429.295 Certain provisions not applicable to actions under
 66 this part.—An action under this part for a violation of rights
 67 or negligence recognized herein is not a claim for medical
 68 malpractice, ~~and the provisions of s. 768.21(8) do not apply to~~
 69 ~~a claim alleging death of the resident.~~

70 Section 5. For the purpose of incorporating the amendment
 71 made by this act to section 768.21, Florida Statutes, in a
 72 reference thereto, subsection (11) of section 95.11, Florida
 73 Statutes, is reenacted to read:

74 95.11 Limitations other than for the recovery of real
 75 property.—Actions other than for recovery of real property shall
 76 be commenced as follows:

77 (11) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
 78 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
 79 (5) (e), an action for wrongful death seeking damages authorized
 80 under s. 768.21 brought against a natural person for an
 81 intentional tort resulting in death from acts described in s.
 82 782.04 or s. 782.07 may be commenced at any time. This
 83 subsection shall not be construed to require an arrest, the
 84 filing of formal criminal charges, or a conviction for a
 85 violation of s. 782.04 or s. 782.07 as a condition for filing a
 86 civil action.

87 Section 6. For the purpose of incorporating the amendment

4-00329-25

2025734

88 made by this act to section 768.21, Florida Statutes, in a
 89 reference thereto, subsection (1) of section 429.29, Florida
 90 Statutes, is reenacted to read:

91 429.29 Civil actions to enforce rights.—

92 (1) Any person or resident whose rights as specified in
 93 this part are violated shall have a cause of action. The action
 94 may be brought by the resident or his or her guardian, or by a
 95 person or organization acting on behalf of a resident with the
 96 consent of the resident or his or her guardian, or by the
 97 personal representative of the estate of a deceased resident
 98 regardless of the cause of death. If the action alleges a claim
 99 for the resident's rights or for negligence that caused the
 100 death of the resident, the claimant shall be required to elect
 101 either survival damages pursuant to s. 46.021 or wrongful death
 102 damages pursuant to s. 768.21. If the action alleges a claim for
 103 the resident's rights or for negligence that did not cause the
 104 death of the resident, the personal representative of the estate
 105 may recover damages for the negligence that caused injury to the
 106 resident. The action may be brought in any court of competent
 107 jurisdiction to enforce such rights and to recover actual
 108 damages, and punitive damages for violation of the rights of a
 109 resident or negligence. Any resident who prevails in seeking
 110 injunctive relief or a claim for an administrative remedy is
 111 entitled to recover the costs of the action and a reasonable
 112 attorney's fee assessed against the defendant not to exceed
 113 \$25,000. Fees shall be awarded solely for the injunctive or
 114 administrative relief and not for any claim or action for
 115 damages whether such claim or action is brought together with a
 116 request for an injunction or administrative relief or as a

4-00329-25

2025734

117 separate action, except as provided under s. 768.79 or the
118 Florida Rules of Civil Procedure. Sections 429.29-429.298
119 provide the exclusive remedy for a cause of action for recovery
120 of damages for the personal injury or death of a resident
121 arising out of negligence or a violation of rights specified in
122 s. 429.28. This section does not preclude theories of recovery
123 not arising out of negligence or s. 429.28 which are available
124 to a resident or to the agency. The provisions of chapter 766 do
125 not apply to any cause of action brought under ss. 429.29-
126 429.298.

127 Section 7. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

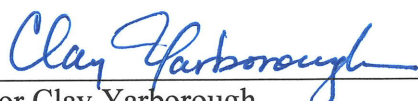
To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #734**, relating to Actions for Recovery of Damages for Wrongful Death, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.



Senator Clay Yarborough
Florida Senate, District 4

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3-26-25

Meeting Date

Senate Rules

Committee

SB 734

Bill Number or Topic

769168 - Martin

Amendment Barcode (if applicable)

Name Cindy Jenkins

Phone (904) 662-2273

Address 46 Samantha Court
Street

Email cindy@cindyjenkinsgroup.com

St. Augustine, FL 32092
City State Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
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Meeting Date

Rules

Committee

734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

848-0600

Name

Andy Bolin

Phone

(813)

Address

1600 E. 8th Ave.

Street

Email

256@bolin-law.com

City

Tampa FL.

State

Zip

33605

Speaking:

☐ For

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Justice Reform Institute

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/26/25

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Committee

The Florida Senate
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734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name Travis Brett Creighton

Phone 813-264-7060

Address 4228 Autumn Leaves Drive

Street

Email performingsolutions@gmail.com

Tampa

City

FL

State

33624

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3.26.25

Meeting Date

senate R

Committee

The Florida Senate
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SB 734

Bill Number or Topic

769 168 AA

Amendment Barcode (if applicable)

Name

Teresa Mahaffey

Phone

850.490.3693

Address

8348 Tidwell

Street

Email

gcp5@bellsouth.net

Pace

City

FL

State

32571

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/26/2025
Meeting Date

Rule

Committee

Name Mark Delegal

Phone

850583-2400

Address 201 East Park Avenue

Email

mark@dacfl.com

Street

TLH

City

FL

State

32301

Zip

734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

The Doctors Company

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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3-26-25

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RULES

Committee

734

Bill Number or Topic

AA 769168

Amendment Barcode (if applicable)

Name

CARTER SCOTT - FLORIDA JUSTICE ASSOCIATION

Phone

803-518-4117

Address

218 S. MONROE ST

Email

Street

TA

City

FL

State

32301

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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3/26/25

Meeting Date

Rules

Committee

734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

850-567-6414

Name

AARP - Karen Murillo

Phone

Address

215 S. Monroe St

Email

kmurillo@aarp.org

Street

Tallahassee FL

32301

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

AARP



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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3-26-25

Meeting Date

Rules

Committee

734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name

Sabrina Davis

Phone

813 300 5014

Address

Street

Gainesville, Florida

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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3/26/25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

Amend
ment

769 168

Amendment Barcode (if applicable)

Name

Lauren Rormyenko

Phone

321-501-6804

Address

7615 Millbrook Ave

Email

Street

Melbourne

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

march 26, 2025

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name

Mayor John Paul O'Connor

Phone

Address

Street

Westlake

City

State

Zip

Email

jocconnor@westlakegov.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/26/25

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

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SB 734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name

Marcia ("Marcie") Scheppler

Phone

561-401-7350

Address

101 SE Balboa Ave

Street

Email

marciaFL2@icloud.com

Stuart

City

FL

State

34994

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name

Darcy McGuill

Phone

321-759-9665

Address

2978 Pangra Circle

Email

Street

Melbourne FL 32940

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

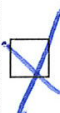
☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

March 26, 2025

Meeting Date

Rules

Committee

734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name

Alyssa Fjeran (Fyer-n)

Phone

(904) 793-3538

Address

Street

Jacksonville

City

State

Zip

Email

ALYSSA Fjeran@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-26-25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

769168

Amendment Barcode (if applicable)

Name

Karen Aguilar

Phone

813-748-0821

Address

7553 Granitville Dr

Email

Cutepe5510@aol.com

Street

W. Chapel

City

FL

State

33545

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

RULES

Committee

734

Bill Number or Topic

142450

Amendment Barcode (if applicable)

Name **Travis Brett Creighton**

Phone **813-264-7060**

Address **4228 Autumn Leaves Drive**

Street

Email **performingsolutions@gmail.com**

Tampa

FL

33624

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-26-25

Meeting Date

734

Bill Number (if applicable)

142450

Amendment Barcode (if applicable)

Topic _____

Name Carter Scott

Job Title Attorney

Address 218 S Monroe St

Street

Phone _____

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 734

Bill Number or Topic

142450

Amendment Barcode (if applicable)

3/26/25

Meeting Date

Rules

Committee

Name

Marcia ("Marcie") Scheppler

Phone

561-401-7350

Address

101 SE Balboa Ave

Street

Email

marciaFL2@icloud.com

Stuart, FL

City

34994

State

Zip

Speaking:

☐ For



Against



Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

~~769108~~

Burton

SB 734 Amendment

Bill Number or Topic

142450

Amendment Barcode (if applicable)

3-24-25

Meeting Date

Rules

Committee

Name

Karen Aguilar

Phone

813-748-0821

Address

7553 Granitville Dr.

Email

Cute5510@aol.com

Street

W. Chapel

State

FL

33545

Zip

City

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/26/25

Meeting Date

Rules

Committee

Name

Ethan Lepez

Address

351 Zac Rd

Street

Sunbright

City

TN

State

37072

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB734

Bill Number or Topic

142450

Amendment Barcode (if applicable)

Phone

Email

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

☒

I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

142 450

Amendment Barcode (if applicable)

Name

Daray McGuill

Phone

321-759-9665

Address

2978 Panga Circle

Street

Email

Melbourne

City

FL

State

32940

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB734

Bill Number or Topic

142460

Amendment Barcode (if applicable)

Name

Jana Sutoova

Phone

Address

351 Zac Rd

Email

Street

Sunbright

TN

37872

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-26-25

Meeting Date

Senate Rules

Committee

SB 734

Bill Number or Topic

142450 - Burton

Amendment Barcode (if applicable)

Name Cindy Jenkins

Phone (904) 662-2273

Address 46 Samantha Court
Street

Email cindy@cindyjenkinsgroup.com

St. Augustine
City

FL
State

32092
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

3-26-25

Meeting Date

Senate Rules

Committee

Name

Teresa Mahaffey

Phone

850 490-3693

Address

8348 Tidwell

Street

Email

gcp5@bellsouth

Pace

City

FL

State

32571

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 734

Bill Number or Topic

142450

Amendment Barcode (if applicable)

Speaking:

☐ For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

03.26.25

Meeting Date

Rules

Committee

Name

Andy Bolin

Address

1600 E. 8th Ave.

Street

Tampa

City

FL

State

33605

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

734

Bill Number or Topic

142450

Amendment Barcode (if applicable)

Phone

(813) 848-0600

Email

asb@bolin-law.com

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida Justice Reform Institute



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/26/25

Meeting Date

RWR

Committee

Name

Dr. Jose Ruman

Address

1923 CARDINAL LANE

Street

NAVARO

City

FL

State

32566

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

734

Bill Number or Topic

→ 142450 ←

Amendment Barcode (if applicable)

Phone

(850) 642-0777

Email

6420777@gmail.com

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-26-25

Meeting Date

rules

Committee

Name

Sabrina Davis

Phone

813.300.5014

Address

Street

Email

Gainesville FLORIDA

City

State

Zip

Speaking:

☐ For☐ Against☐ Information

OR

Waive Speaking:

☐ In Support☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

RULES

Committee

~~SB 139~~ 734

Bill Number or Topic

* 142450 *

Amendment Barcode (if applicable)

Name

AARP - Karen Murillo

Phone

850-567-0414

Address

215 S. Monroe St.

Street

Email

Kmurillo@aarp.org

City

Tallahassee FL

State

32301

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

AARP

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

CB 734

Bill Number or Topic

742 450

Amendment Barcode (if applicable)

Name

Lauren Korniyenko

Phone

321-501-6804

Address

7615 Millbrook Ave

Street

Email

Melbourne FL

City

State

32940

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

march 26, 2023

Meeting Date

734

Bill Number or Topic

rules

Committee

142450

Amendment Barcode (if applicable)

Name

Alyssa Fjeran (Fyer-n)

Phone

(904) 793-3538

Address

Street

Jacksonville

City

State

Zip

Email

ALYSSAFJERAN@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 26, 2025

Meeting Date

rules

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

734

Bill Number or Topic

142450

Amendment Barcode (if applicable)

Name Mayor John Paul O'Connor

Phone

Address

Street

Email

jocconnor@westlakegov.com

Westlake

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

352-538-4299

Address

516 N Adams

Email

abasford@afl.com

Street

City

Tallahassee

State

FL

Zip

32301

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Associated Industries of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

3-26-25

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sabrina Davis

Phone

813 300 5014

Address

Street

Gainesville, FL 32601

City

State

Zip

Email

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/25

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 734

Bill Number (if applicable)

Topic Actions for Recovery of Damages for Wrongful Death Amendment Barcode (if applicable)

Name Jonathan Freidin

Job Title Attorney

Address 218 S. Monroe St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 224-9403

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

SB 734

3-26-25

Meeting Date

Bill Number or Topic

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

~~0902450~~

Amendment Barcode (if applicable)

Name

Karen Aguilar

Phone

813-748-0821

Address

7553 Granitville Dr.

Email

Cutepe5510@aol.com

Street

W. Chapel

FL

33545

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/26/25

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Marcia ("Marcie") Scheppler

Phone

561 401 7350

Address

101 SE Balboa Ave

Street

Email

marciaFL2@icloud.com

Stuart

City

FL 34994

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

march 26, 2025

Meeting Date

Rules

Committee

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ALYSSA FJERAN (Fyer-n)

Phone

(904) 793-3538

Address

Street

Jacksonville

City

State

Zip

Email

ALYSSA FJERAN@gmail.com

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/24/23

Meeting Date

RWS

Committee

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

DR JOEL RUDMAN

Phone

(855) 642-0777

Address

1923 CARDINAL LANE

Email

6420777 @ GMAIL.COM

Street

NAVARRE

FL

32566

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

SB 734

Bill Number or Topic

Rule

Committee

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 136 S Bronough St

Email cjohnson@flchamber.com

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Chamber of
Commerce

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Darcy McGinnis

Phone

321-789-9665

Address

2978 Pangea Circle

Street

Melbourne

City

FL

State

32940

Zip

Email

Speaking:

☒ For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-26-25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Belinda Warren

Phone

330-410-5377

Address

201 Liberty St Spencer

Street

Spencer

City

Ohio

State

44275

Zip

Email

Bella.SoseRay@gmail.com

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

SB 734

Bill Number or Topic

2420450789008

Amendment Barcode (if applicable)

Name Lauren Korniyenko

Phone 321-501-6804

Address 7615 Millbrook Ave
Street

Email _____

Melbourne FL
City State

32940
Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 734

Bill Number or Topic

Amendment Barcode (if applicable)

3.26.25

Meeting Date

Rules

Committee

Name

Sara Frangui

Phone

323 712 6441

Address

1552 Nightfall Drive

Email

Smileswhheart@gmail

Street

Clermont

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/20/25
Meeting Date
Rules
Committee

56734
Bill Number or Topic
Amendment Barcode (if applicable)

Name Laurette Philipson Phone 727-484-0237
Address 7240 Westwind Dr Email advocatePhilipson@gmail.com
Port Richey FL 34668
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

03.26.25

Meeting Date

Rules

Committee

Name

Andy Bolin

Address

1600 E. 8th Ave., Suite A133-A

Street

Tampa

City

FL

State

33605

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

734

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

(813) 848-0600

Email

asb@bolin-law.com

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Justice Reform Institute

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

Rules

Committee

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Vivek Patel, MD

Phone

863-738-1392

Address

4819 Island shores Ln.

Email

Vivek.patel@mylrh.org

Street

Lakeland

City

FL

State

33809

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Medical Association
Florida Chapter, American College of Physicians

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/26/25- 9:00 AM

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 734- Wrongful Death

Bill Number or Topic

Rules

Committee

Name **AARP - Karen Murillo**

Phone **850-567-0414**

Address **215 S. Monroe, Ste. 603**

Email **kmurillo@aarp.org**

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

AARP

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/26/2025

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ethan Lepez

Phone

Address

351 Zac Rd

Email

ethan5x39@gmail.com

Street

Sunbright

TN

37872

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/2025

Meeting Date

Rules

Committee

SB734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jana Sutoova

Phone

321-310-9423

Address

351zac Rd

Email

Street

Sunbright

TN

37072

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-26-25

Meeting Date

S Rules

Committee

SB 234

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Teresa Mahaffey

Phone

850 490 3693

Address

8348 Tidwell

Email

gcp5@bellsouth.net

Street

Pace

City

State

Zip

FL

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/26/25

Meeting Date

Rules

Committee

SB 934

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Maurice Langston

Phone

850 508 5297

Address

13841 NE State RD 65

Email

team-wrinkle
@hotmail.com

Street

Hosford

City

FL

State

32334

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-26-25

Meeting Date

Senate Rules

Committee

SB 734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Cindy Jenkins

Phone

904-662-2273

Address

46 Samantha Court

Email

cindy@cindyjenkinsgroup.com

Street

St. Augustine

FL

32092

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25
Meeting Date

Senate Rules
Committee

SB 734
Bill Number or Topic

Amendment Barcode (if applicable)

Name Beth Young Phone

Address 2418 Hervey Mill Creek Rd. Email
Street

Tallahassee, FL 32310
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/26/25

Meeting Date

SB 734

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Randy Ray

Phone

(850) 556-5269

Address

189 Silver Pine Dr

Email

janandrandyray@gmail.com

Street

St. Augustine FL

State

32092

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/26/25

Meeting Date

RULES

Committee

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name Travis Brett Creighton

Phone 813-264-7060

Address 4228 Autumn Leaves Drive

Email performingsolutions@gmail.com

Street

Tampa

City

FL

State

33624

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/26/25

Meeting Date

SB 734

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Christine Griner

Phone

850-766-5207

Address

1024 Winfield Forest Drive

Email

Christigriner@gmail.com

Street

TLH

City

State

32317

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03.26.25

Meeting Date

Rules

Committee

Name

Bob Johnson

Phone

(651) 303-8902

Address

5146 Tweedle Terrace

Email

rdjadvocacy@gmail.com

Street

The Villages

FL

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☒

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

734

Bill Number or Topic

Amendment Barcode (if applicable)

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APPEARANCE RECORD

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SB 734

Bill Number or Topic

3/26/2025

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Mark Delegal

Phone

850 583-2400

Address

201 East Park Ave #200B

Email

mark@dactfl.com

Street

TCH

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Pro Assurance Corporation

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

3/26

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

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SB 734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Erik Kirk

Phone

850/681 1980

Address

106 E College Ave

Email

erik@poolemckinley.com

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

The Doctors Company

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 734

MARCH 26, 2025

Meeting Date

Deliver both copies of this form to
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Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name JASON Winn

Phone 850/222-5702

Address 106 E. College Ave, Suite 1500

Street

Email jwinnellw-law.com

Tall. FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Osteopathic
Medical Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/26/2025

SB 734

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name George Feijoo Phone (850)681-0024

Address 108 S. Monroe Street Email grfeijoo@flapartners.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Insurance Council

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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march 26, 2025

Meeting Date

734

Bill Number or Topic

rules

Committee

Amendment Barcode (if applicable)

Name

Mayor John Paul O'Connor

Phone

Address

Street

Westlake

City

State

Zip

Email

jocconnor@westlakegov.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/26/25

Meeting Date

Rules

Committee

734

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Noland

Phone

904-233-3051

Address

4427 Herrchel St

Email

nolandlaw@aol.com

Street

Jacksonville, FL 32210

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Society of Thoracic Cardiovascular Society

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/26/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 734

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DAVID MICA, Jr

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FLORIDA HOSPITAL ASSN.

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 878

INTRODUCER: Senator Martin

SUBJECT: Probation for Misdemeanor Offenses

DATE: March 25, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Favorable
2. Atchley	Harkness	ACJ	Favorable
3. Vaughan	Yeatman	RC	Favorable

I. Summary:

SB 878 amends s. 948.15, F.S., to authorize the court to sentence a defendant who is found guilty of any misdemeanor to a term of probation of up to one year if a controlled substance, a controlled substance analog, or a chemical substance was a significant factor in the commission of the crime.

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Court Jurisdiction

Florida has a two-tiered trial court system that consists of circuit courts and county courts. The state Constitution requires a circuit court to be established in each judicial circuit established by the Legislature, of which there are twenty.¹

Circuit courts have exclusive original jurisdiction over all felonies and all misdemeanors arising out of the same circumstances as a felony which is also charged. The state Constitution also establishes a county court in each county.² County courts have original jurisdiction over misdemeanor cases not cognizable by the circuit courts.

¹ Art. V, ss. 1 and 5, FLA. CONST. A list of judicial circuits can be found at <https://www.flcourts.org/Florida-Courts/Trial-Courts-Circuit> (last visited March 3, 2025).

² Art. V, s. 6, FLA. CONST.

Generally, felony offenses are adjudicated by the circuit court and misdemeanor offenses are adjudicated by the county court. However, circuit courts routinely adjudicate misdemeanor charges when:

- A misdemeanor charge arises out of the same circumstances as a felony; or
- A felony charge is reduced or dismissed in circuit court and the court retains jurisdiction over the remaining misdemeanor charge.

Probation and Other Supervision

Probation is a form of community supervision requiring specified contacts with probation officers and compliance with certain terms and conditions.^{3,4} The court determines the terms and conditions of probation.⁵ Section 948.03, F.S., provides standard conditions of probation;⁶ however, a court may sentence an offender to special terms and conditions at the time of sentencing, such as substance abuse treatment.

Maximum Term of Probation

The Florida Supreme Court addressed the issue of whether a trial court must credit previous time served on probation toward any newly imposed term of probation upon revocation, to ensure that the total probationary term does not exceed the statutory maximum for a single offense.⁷ The maximum term of probation to which a judge may sentence a defendant depends on the offense that the defendant committed. Penalties for misdemeanors are:

- A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine.⁸
- A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine.⁹
- A term of probation for a misdemeanor may not exceed six months unless otherwise specified in s. 948.15, F.S.¹⁰

County Court

A defendant who is placed on probation after being found guilty of a misdemeanor may not be sentenced to a term of supervision exceeding six months, unless otherwise ordered by the court.¹¹ Any person sentenced to misdemeanor probation by the county court must pay at least \$40 per month, as determined by the court, to the court approved public or private entity providing misdemeanor supervision.¹²

³ Section 948.001(8), F.S.

⁴ Florida Department of Corrections, *Probation Services*, available at <https://www.fdc.myflorida.com/probation-services> (last visited March 3, 2025).

⁵ Section 948.03, F.S.

⁶ Section 948.03(1)(a-l), F.S. Standard conditions include, in part, reporting to the probation officer as directed, permitting visits by the probation officer, work at suitable employment, and live without violating any law.

⁷ *State v. Summers*, 642 So. 2d 742 (Fla. 1994). *State v. Holmes*, 360 So. 2d 380 (Fla. 1978).

⁸ Sections 775.082 and 775.083, F.S.

⁹ Sections 775.082 and 775.083, F.S.

¹⁰ Section 948.15(1), F.S. In relation to any offense other than a felony in which the use of alcohol is a significant factor, the period of probation may be up to 1 year.

¹¹ Section 948.15(1), F.S.

¹² Section 948.09(1)(b), F.S.

A private entity or public entity, including licensed substance abuse education and intervention programs, may provide probation services to offenders sentenced by a county court, when such services are provided under the supervision of the board of county commissioners or the court.¹³

Circuit Court

If the circuit court places a defendant on probation for a felony, the Florida Department of Corrections (DOC) must supervise the defendant.¹⁴ A defendant who is placed on probation for a misdemeanor may not be placed under the DOC's supervision unless the circuit court was the court of original jurisdiction.¹⁵ The DOC currently supervises 145,000 offenders on probation or in community control throughout Florida.¹⁶

Any person placed on probation under ch. 948, F.S., must pay the DOC supervision fees equal to the total month or portion of a month of supervision times the court-ordered amount, but such amount cannot exceed the actual per diem cost of supervision.¹⁷ The DOC must consider an offender's ability to pay in establishing a written pay plan. Any funds collected from felony probationers may be used by the DOC to offset the costs associated with community supervision programs.¹⁸

Subsections 948.01(1) and (5), F.S., prohibit a private entity from providing probationary or supervision services to felony or misdemeanor offenders sentenced to probation or other supervision by the circuit court. As such, a private entity is authorized to provide supervision services to a misdemeanor offender sentenced by the county court but cannot provide such services to a misdemeanor offender sentenced by the circuit court.

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the "potential for abuse"¹⁹ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.

¹³ Section 948.15(2), F.S.

¹⁴ Section 948.01(1)(a), F.S.

¹⁵ Section 948.01(2), F.S.

¹⁶ Florida Department of Corrections, *Probation Services*, available at <https://www.fdc.myflorida.com/probation-services> (Last visited March 4, 2025).

¹⁷ Section 948.09(1)(a)1., F.S.

¹⁸ *Id.* Additionally, a felony probationer must pay a \$2-per-month surcharge to be used by the DOC to pay for correctional probation officers' training and equipment, including radios, and firearms training, firearms, and similar equipment. Section 948.09(1)(a)2., F.S.

¹⁹ Section 893.035(3)(a), F.S., defines "potential for abuse" as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user's health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user's own initiative rather than on the basis of professional medical advice.

- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Chemical Substance

A chemical substance is any substance identified in s. 877.111, F.S., which is the criminal statute identifying certain harmful chemical substances, or ch. 893, F.S., which identifies controlled substances.²⁰ However, the term does not include any drug or medication obtained pursuant to a prescription which was taken in accordance with the prescription,²¹ or any medication that is authorized under state or federal law for general distribution and use without a prescription in treating human diseases, ailments, or injuries and that was taken in the recommended dosage.

III. Effect of Proposed Changes:

The bill amends s. 948.15, F.S. to authorize a court to sentence a defendant who is found guilty of a misdemeanor to a term of probation of up to one year if a controlled substance,²² a

²⁰ Section 768.36(1), F.S.

²¹ A “prescription” includes any order for drugs or medicinal supplies which is written or transmitted by any means of communication by a licensed practitioner authorized by the laws of Florida to prescribe such drugs or medicinal supplies, it issued in good faith and in the course of professional practice, is intended to be dispensed by a person authorized by the laws of Florida to do so, and meets the requirements of s. 893.04, F.S. (regulating pharmacists and practitioners). Section 893.02(24), F.S.

²² Section 893.02, F.S.

controlled substance analog,²³ or a chemical substance²⁴ is a significant factor in the commission of the offense.

Current law provides that the maximum term of probation is 6 months unless otherwise specified by a court.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

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.

²³ Section 893.0356, F.S.

²⁴ Section 877.111(1), F.S.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 948.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

²⁵ Office of Economic and Demographic Research, *SB 878 – Probation for Misdemeanor Offenses* (on file with the Senate Committee on Criminal Justice).

By Senator Martin

33-01888-25

2025878__

A bill to be entitled

An act relating to probation for misdemeanor offenses;
amending s. 948.15, F.S.; increasing probationary
periods for certain misdemeanor offenses involving
controlled or chemical substances; providing an
effective date.

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

Section 1. Subsection (1) of section 948.15, Florida
Statutes, is amended to read:

948.15 Misdemeanor probation services.—

(1) A defendant found guilty of a misdemeanor who is placed
on probation shall be under supervision not to exceed 6 months
unless otherwise specified by the court. Probation supervision
services for a defendant found guilty of a misdemeanor for
possession of a controlled substance or drug paraphernalia under
chapter 893 may be provided by a licensed substance abuse
education and intervention program, which may provide substance
abuse education and intervention as well as any other terms and
conditions of probation. In relation to any offense other than a
felony in which the use of alcohol; a controlled substance, as
defined in s. 893.02; a controlled substance analog, as defined
in s. 893.0356; or a chemical substance described in s.
877.111(1) is a significant factor, the period of probation may
be up to 1 year.

Section 2. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 944

INTRODUCER: Banking and Insurance Committee and Senator Davis

SUBJECT: Insurance Overpayment Claims Submitted to Psychologists

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Fav/CS
2.	Brown	Brown	HP	Favorable
3.	Johnson	Yeatman	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 944 reduces from 30 months to 12 months the timeframe for a health insurer or health maintenance organization (HMO) to submit claims for overpayment to a licensed psychologist. The bill's reduction in the look-back period results in licensed psychologists being subject to the same 12-month look-back period for insurer and HMO overpayments as health care providers licensed under chs. 458 (medical practice), 459 (osteopathic medicine), 460 (chiropractic medicine), 461 (podiatric medicine), or 466 (dentistry), F.S.

The bill provides an effective date of July 1, 2025, and applies to claims for services provided on or after January 1, 2026.

II. Present Situation:

State Regulation of Insurance

The Office of Insurance Regulation (OIR),¹ is responsible for all activities concerning health maintenance organizations (HMOs), health insurers, and other risk-bearing entities, including licensing, rates, policy forms, market conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided

¹ The OIR is a unit under the Financial Services Commission, which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Commission members serve as the agency head for purposes of rulemaking under ch. 120, F.S. See s. 20.121(3), F.S.

under the Florida Insurance Code.² To transact business in Florida, a health insurer or HMO must obtain a certificate of authority from the OIR.³ The Agency for Health Administration (agency) regulates the quality of care provided by HMOs under part III of ch. 641, F.S. Prior to receiving a certificate of authority from the OIR, an HMO must receive a Health Care Provider Certificate from the agency.⁴ As part of the certification process used by the agency, an HMO must provide information to demonstrate that the HMO has the ability to provide quality of care consistent with the prevailing standards of care.⁵

Payment of Health Insurer and HMO Claims

The Florida Insurance Code⁶ prescribes the rights and responsibilities of health care providers, health insurers, and HMOs for the payment of claims. Florida's prompt payment laws govern payment of provider claims submitted to insurers and HMOs, including Medicaid managed care plans, in accordance with ss. 627.6131, 627.662, and 641.3155, F.S., respectively.⁷ The law prescribes a protocol for specified providers to use for the submission of their claims to an insurer or HMO, as well as a statutory process for insurers or HMOs to use for the payment or denial of the claims.

Generally, if a health insurer or HMO determines it has made an overpayment to a provider, the insurer's or HMO's claim for the overpayment must be submitted to the provider within 30 months after the applicable payment by the insurer or HMO.⁸ A provider must pay, deny, or contest the claim for overpayment of a health insurer or HMO within 40 days after receiving the claim.

All contested claims for overpayment must be paid or denied within 120 days after the provider's receipt of the claim.⁹ Failure to pay or deny the claim of overpayment within 140 days after receipt creates an uncontestable obligation by the provider to pay the claim.¹⁰ A claim for overpayment is not permitted beyond 30 months after the health insurer's or HMO's applicable payment to the provider, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234, F.S.¹¹

Section 627.6131(18), F.S., provides an exception to the period of 30 months for an insurer to submit a claim for overpayment to a provider. Section 641.3155(16), F.S., provides the same requirements for an HMO. All claims for overpayment submitted to a provider licensed under chs. 458 (medical practice), 459 (osteopathic medicine), 460 (chiropractic medicine), 461 (podiatric medicine), or 466 (dentistry), F.S., must be submitted to the provider within 12 months – not 30 months – after the health insurer's or HMO's applicable payment to the

² Section 20.121(3)(a), F.S.

³ Sections 624.401 and 641.49, F.S.

⁴ Section 641.495, F.S.

⁵ *Id.*

⁶ Pursuant to s. 624.01, F.S., chs. 624-632, 634, 635, 636, 641, 642, 648, and 651 constitute the "Florida Insurance Code."

⁷ The prompt pay provisions apply to HMO contracts and major medical policies offered by individual and group insurers licensed under ch. 624, F.S.

⁸ Section 627.6131(6), F.S., and s. 641.3155(5) F.S., for HMO provision.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

provider. A claim for overpayment may not be permitted after 12 months except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234, F.S.

Division of State Group Insurance Program

Under the authority of s. 110.123, F.S., the Department of Management Services (DMS), through the Division of State Group Insurance, administers the state group health insurance program under a cafeteria plan consistent with s. 125, Internal Revenue Code. To administer the state group health insurance program, DMS contracts with third party administrators for self-insured health plans and insured plans, as well as a pharmacy benefits manager for the state employees' self-insured prescription drug program pursuant to s. 110.12315, F.S.

Oversight of the Practice of Psychology in Florida

The Board of Psychology within the Department of Health is the state's regulatory board for the practice of psychology under the Psychological Services Act.¹² The "practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health.¹³ Chapter 490, F.S., prescribes the requirements for an individual to be licensed as a psychologist.¹⁴

III. Effect of Proposed Changes:

Section 1 amends s. 627.6131, F.S., relating to the payment of claims, to add a provider licensed under ch. 490, F.S., (psychologists) to the list of health care providers to whom an insurer must submit a claim for overpayment within 12 months instead of 30 months after the insurer's applicable payment to the provider.

Section 2 amends s. 641.3155(16), F.S., relating to payment of claims, to add a provider licensed under ch. 490, F.S., (psychologists) to the list of health care providers to whom a health maintenance organization (HMO) must submit a claim for overpayment within 12 months instead of 30 months after the HMO's applicable payment to the provider.

Section 2 provides that the amendments made by the bill to ss. 627.6131(18), and 641.3155(16), F.S., apply to claims for services provided on or after January 1, 2026.

Section 3 provides an effective date of July 1, 2025.

¹² Sections 490.001 and 490.004, F.S.

¹³ Section 490.003(4), F.S.

¹⁴ Section 490.003(7), F.S., defines a psychologist as a person licensed pursuant to s. 490.005(1), F.S., s. 490.006, F.S., or the provision identified as s. 490.013(2), F.S., in s. 1, ch. 81-235, Laws of Florida.

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:

The bill reduces the look-back period for a health insurer or health maintenance organization to submit claims for overpayments to psychologists from 30 months to 12 months. This may result in a positive fiscal impact for licensed psychologists or less fiscal uncertainty beyond the 12-month period, especially if the bill leads to increased participation by psychologists in insurer or HMO networks.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 627.6131 and 641.3155 of the Florida Statutes.

This bill creates one non-statutory section of the Laws of Florida.

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 Banking and Insurance on March 10, 2025:

The committee substitute:

- Adds a health care provider licensed under ch. 490, F.S., (psychologists) to the list of health care providers to whom a health maintenance organization (HMO) must submit a claim for overpayment within 12 months instead of 30 months after payment of the claim.
- Revises the implementation date for application of the provisions of the bill to claims for services provided on or after January 1, 2026, instead of July 1, 2025, and adds a conforming change to reference s. 641.3155, F.S., thereby subjecting HMO claims for services to this same requirement.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Davis

597-02252-25

2025944c1

A bill to be entitled

An act relating to insurance overpayment claims submitted to psychologists; amending ss. 627.6131 and 641.3155, F.S.; requiring that insurance overpayment claims submitted to psychologists be submitted within a specified timeframe; providing applicability; providing an effective date.

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

Section 1. Subsection (18) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(18) Notwithstanding the 30-month period provided in subsection (6), all claims for overpayment submitted to a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to the provider within 12 months after the health insurer's payment of the claim. A claim for overpayment may not be permitted beyond 12 months after the health insurer's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

Section 2. Subsection (16) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(16) Notwithstanding the 30-month period provided in subsection (5), all claims for overpayment submitted to a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to

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597-02252-25

2025944c1

the provider within 12 months after the health maintenance organization's payment of the claim. A claim for overpayment may not be permitted beyond 12 months after the health maintenance organization's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

Section 3. The amendments made by this act to ss. 627.6131(18) and 641.3155(16), Florida Statutes, apply to claims for services provided on or after January 1, 2026.

Section 4. This act shall take effect July 1, 2025.

Page 2 of 2

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill # 944**, relating to Insurance Overpayment Claims Submitted to Psychologists, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read "Tracie Davis", is written over a horizontal line.

Senator Tracie Davis
Florida Senate, District 5

3/26/2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 944

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name **Deborah Foote**

Phone **850-656-2222**

Address **PO Box 7416**

Email **deborah@flapsych.com**

Street

Tallahassee

FL

32314

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FL Psychological Assn.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 1488

INTRODUCER: Senator Avila

SUBJECT: United States Sovereign Wealth Fund

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Favorable
2.	Renner	Yeatman	RC	Favorable

I. Summary:

SM 1488 is a memorial urging the members of Congress to establish a framework for a sovereign wealth fund.

Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

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

II. Present Situation:

Memorials

A memorial is an official legislative document address to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.¹

Sovereign Wealth Funds

While there is no universally agreed-upon definition, sovereign wealth funds (SWFs) are generally defined as investment funds owned and managed by national governments.² The United States Treasury Department narrowly defines SWFs as “a government investment vehicle

¹ The Florida Senate, Office of Bill Drafting Services, *Manual for Drafting Legislation*, 137-138 (2009), available at <https://flsenate.sharepoint.com/sites/Secretary/Publications%20Library/Forms/AllItems.aspx?id=%2Fsites%2FSecretary%2FPublications%20Library%2FManual%20for%20Drafting%20Legislation%20%28Senate%29%2Epdf&parent=%2Fsites%2FSecretary%2FPublications%20Library> (last visited March 14, 2025).

² Congressional Research Service, *Sovereign Wealth Funds: Background and Policy Issues for Congress* (Jan. 15, 2009), 1, https://www.everycrsreport.com/files/20090115_RL34336_a7ea655551d2435a8e05992d4ac1b1367b3e3635.pdf (last visited March 14, 2025).

which is funded by foreign exchange assets, and which manages those assets separately from the official reserves of the monetary authorities (the Central Bank and reserve-related functions of the Finance Ministry).”³ SWFs were created in the 1950s by oil and resource-producing countries (Kuwait in 1953 and Kiribati in 1956) to help stabilize their economies against fluctuating commodity prices and provide a wealth source for future generations.⁴ SWFs generally have a targeted purpose, and the funding for SWFs comes from sources such as:⁵

- State-owned natural resource revenues.
- Trade surpluses.
- Bank reserves that accumulate from budget excesses.
- Foreign currency operations.
- Money from privatizations.
- Governmental transfer payments.

There are several categories of SWFs, including:⁶

- **Stabilization Funds**—These are funds set aside by a government to shield the country from economic shocks that can cause drastic changes in economic growth.
- **Future Generation Funds** – These funds are set up to ease pressure on a government’s budget in the future.
- **Reserve Investment Funds**—Funds are set aside for investment purposes, and the primary goal is to generate funds that can be invested in long-term high-yield investments.
- **Pension Reserve Funds** – Money is set aside to finance a country’s pension system so that the burden of paying pensions doesn’t fall entirely on the government’s budget.

The largest SWFs ranked by assets include:⁷

- Norway Government Pension Fund Global; - over \$1.7 trillion
- China Investment Corporation – Over \$1.3 trillion
- SAFE Investment Company – Over \$1 trillion
- Abu Dhabi Investment Authority – Over \$1 trillion
- Kuwait Investment Authority – Over \$1 trillion
- Public Investment Fund of Saudi Arabia - \$925 billion
- GIC Private Limited – Over \$800 billion
- Badan Pengelola Investasi Daya Anagata Nusantara – Over \$600 billion
- Qatar Investment Authority – Over \$525 billion
- Hong Kong Monetary Authority Investment Portfolio – Over \$510 billion

³ *Id.* at 2

⁴ *Id.* at 4.

⁵ Investopedia, *Sovereign Wealth Fund: Definition, Examples, and Types* (Feb. 3, 2025), available at https://www.investopedia.com/terms/s/sovereign_wealth_fund.asp (last visited March 14, 2025).

⁶ Corporate Finance Institute, *Sovereign Wealth Fund*, available at <https://corporatefinanceinstitute.com/resources/career-map/sell-side/capital-markets/sovereign-wealth-fund-swf/> (last visited March 14, 2025).

⁷ Investopedia, *Sovereign Wealth Fund: Definition, Examples, and Types* (Feb. 3, 2025), available at https://www.investopedia.com/terms/s/sovereign_wealth_fund.asp (last visited March 14, 2025).

Executive Order Establishing a United States Sovereign Wealth Fund

On February 3, 2025, President Trump signed an executive order instructing the Secretary of the Treasury and the Secretary of Commerce to create a strategy for establishing a Sovereign Wealth Fund (SWF). The purpose of the initiative is to encourage fiscal responsibility, reduce the tax burden on American families and small businesses, secure economic stability for future generations, and enhance the United States' economic and strategic influence on the global stage.⁸

The plan must include recommendations for funding mechanisms, investment strategies, fund structure, and a governance model. Furthermore, it should assess the legal factors in establishing and managing a SWF, including any potential legislation.⁹

III. Effect of Proposed Changes:

The memorial urges Congress to establish a framework for a sovereign wealth fund.

Florida's Secretary of State will send copies of the memorial to the President, the President of the Senate, the Speaker of the House of Representatives, and each member of the Florida delegation to the Congress.

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

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.

⁸ The White House, *A Plan for Establishing a United States Sovereign Wealth Fund*, (Feb. 3, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/02/a-plan-for-establishing-a-united-states-sovereign-wealth-fund/> (last visited March 14, 2025).

⁹ *Id.*

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Avila

39-00643C-25

20251488__

Senate Memorial

A memorial to the Congress of the United States,
urging Congress to establish a framework for a
sovereign wealth fund for the United States.

WHEREAS, on February 3, 2025, President Donald J. Trump
issued an executive order that directs the Secretary of the
United States Department of the Treasury and the Secretary of
the United States Department of Commerce to develop a plan
within 90 days for the creation of a sovereign wealth fund, and

WHEREAS, while the secretaries are developing the plan,
Congress should be proactive and establish the framework for the
sovereign wealth fund, and

WHEREAS, if Congress establishes the framework, the
sovereign wealth fund can be more efficiently implemented, and

WHEREAS, the sovereign wealth fund can be used to promote
fiscal sustainability, lessen the burden of taxes on families
and small business, establish long-term economic security, fund
critical projects, and promote the United States' economic and
strategic leadership internationally, NOW, THEREFORE,

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

That the Congress of the United States is urged to
establish a framework for a sovereign wealth fund.

BE IT FURTHER RESOLVED that the Legislature urges Congress
to enact any legislation necessary to establish the framework
for the sovereign wealth fund.

BE IT FURTHER RESOLVED that the Secretary of State is

Page 1 of 2

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39-00643C-25

20251488__

directed to dispatch copies of this memorial to the President of
the United States, to the President of the United States Senate,
to the Speaker of the United States House of Representatives,
and to each member of the Florida delegation to the Congress of
the United States.

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SENATOR BRYAN AVILA
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

COMMITTEES: COMMITTEES:

Finance and Tax, *Chair*
Transportation, Vice Chair
Appropriations Committee on
Transportation, Tourism, and
Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

March 17, 2025

Honorable Senator Kathleen Passidomo
Committee on Rules
404 South Monroe Street
402 Senate Building
Tallahassee, Florida 32399

Honorable Chair Passidomo:

I respectfully request SM 1488 Sovereign Wealth Fund be placed on the next committee agenda.

SB 1488 Sovereign Wealth Fund; The bill Urges Congress to establish a framework for a sovereign wealth fund for the United States.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

Senator, District 39

CC: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant
Sheri Green, Legislative Aide

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7020

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: OGSR/Agency Cybersecurity Information

DATE: March 25, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
<u>Harmsen</u>	<u>McVaney</u>		GO Submitted as Comm. Bill/Fav
1. <u>Harmsen</u>	<u>Yeatman</u>	<u>RC</u>	Favorable

I. Summary:

SB 7020 delays for one additional year the repeal of the public record exemption in s. 282.318(5), F.S., which makes confidential and exempt from public inspection and copying requirements the portions of risk assessments, evaluations, external audits, and other reports of a state agency's cybersecurity program for the data, information, and state agency IT resources which are held by a state agency, if the disclosure of such portions of records would facilitate unauthorized access to, or the unauthorized modification, disclosure, or destruction of:

- Data or information, whether physical or virtual; or
- IT resources, which include:
 - Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
 - Security information, whether physical or virtual, which relates to the agency's existing or proposed IT systems.

The bill also delays from repeal the current public meetings exemption for any portion of a meeting that would reveal the information described above.

The bill also moves up by one year (to October 2, 2026) the sunset review date for, and repeal of, the public record and public meeting exemption codified in s. 119.0725(2) and (3), F.S. This exemption makes confidential and exempt from public inspection and copying requirements the following information held by an agency before, on, or after July 1, 2022:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency.
- Information relating to critical infrastructure.
- Cybersecurity incident information that is reported by a state agency or local government pursuant to ss. 282.318 or 282.3185, F.S.

- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.

Any portion of a public meeting that would reveal the above confidential and exempt information is closed to the public and exempt from public meetings laws.

Without action by the Legislature to extend or delete the repeal date, the exemptions in ss. 282.318(5) and (6), F.S., will repeal on October 2, 2025. The bill extends the public records and meeting exemptions for one additional year, setting a new repeal date of October 2, 2026, in order to continue the confidential and exempt status of the information and relevant portions of the meetings. The provisions will be subject to another Open Government Sunset Review in 2026. This will allow the public records and meeting exemptions to be reviewed in concert with the public record and meeting exemptions in s. 119.0725, F.S., which is now also scheduled for an Open Government Sunset Review in 2026.

The bill is not expected to affect state or local government revenues and expenditures.

The bill takes effect October 1, 2025.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁵

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

General exemptions from the public records requirements are typically contained in the Public Records Act.¹⁶ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.¹⁷

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁸ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁹ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.²⁰

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”²¹ or the “Sunshine Law,”²² requires all meetings of any board or commission of any state or local agency or authority at which official acts are taken be open to the public.²³ The board or commission must provide the public reasonable notice of such meetings.²⁴ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²⁵ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁶ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁷ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁸

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.²⁹ The exemption must explicitly lay out the public necessity justifying the exemption and be no broader than necessary to accomplish the

¹⁶ See, e.g., s.119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.

¹⁷ See, e.g., s. 213.053(2), F.S., exempting from public disclosure information received by the DOR, including investigative reports and information.

¹⁸ FLA. CONST., art. I, s. 24(b).

¹⁹ *Id.*

²⁰ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

²¹ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

²² *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

²³ Section 286.011(1)-(2), F.S.

²⁴ *Id.*

²⁵ Section 286.011(6), F.S.

²⁶ Section 286.011(2), F.S.

²⁷ Section 286.011(1), F.S.

²⁸ Section 286.011(3), F.S.

²⁹ FLA. CONST., art. I, s. 24(c).

stated purpose of the exemption.³⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.³¹

State Cybersecurity Act

The State Cybersecurity Act³² (the Cybersecurity Act) requires the Department of Management Services (DMS), acting through the Florida Digital Services (FLDS), to establish standards and processes for assessing state agencies' cybersecurity risks and determine appropriate security measures. Additionally, the DMS must:³³

- Adopt rules to mitigate risk and to safeguard state agency digital assets, data, information, and IT resources to ensure its confidentiality and integrity;
- Develop an annual cybersecurity strategic plan which includes the identification and mitigation of risk, proactive protections against threats, and threat reporting and response and recovery protocols for a cyber incident;
- Publish an IT security framework for use by state agencies;
- Annually review state agencies' strategic and operational cybersecurity plans; and
- Operate a Cybersecurity Operations Center (CSOC), which serves as "a clearinghouse for threat information" and coordinates with the Department of Law Enforcement to support state agencies with their response to a confirmed or suspected cybersecurity incident.

Each agency is also vested with responsibilities under the Cybersecurity Act, which include:³⁴

- Creating a cybersecurity response team which convenes upon notice of a cybersecurity incident and reports on all confirmed or suspected incidents;
- Submitting an annual report on the agency's strategic and operational cybersecurity plans;
- Performing a triennial comprehensive risk assessment to determine security threats to the agency
- Developing internal procedures, including for reporting cybersecurity incidents and breaches to the Cybercrime Office and the FLDS;
- Receiving recommendations from the DMS regarding identified risks to agency data, information, and IT resources, and implementation of safeguards and risk assessment remediation plans to resolve the risk;
- Ensuring the performance of periodic internal audits and evaluations of the agency's cybersecurity program for the data, information, and IT resources of the agency; and
- Submitting an after-action report, including a summary of "insights gained as a result of the incident" to the FLDS within 1 week after the agency's resolution or remediation of a cybersecurity incident or ransomware incident.

³⁰ *Id.*

³¹ *See supra* note 10.

³² Section 282.318(1), F.S.

³³ Section 282.318(3), F.S.

³⁴ Section 282.318(4), F.S.

Public Records Exemptions for Cybersecurity Information

The Cybersecurity Act ultimately requires the creation of documents and communications that are likely to contain highly sensitive information, that may reveal vulnerabilities in state agency data or cybersecurity.

For example, the Office of the Inspector General conducts state agency cybersecurity audits pursuant to s. 20.055(6)(i), F.S., and each state agency Inspector General is required to incorporate a specific cybersecurity audit plan into their annual audit planning process.³⁵ Additionally, the Auditor General “regularly conduct information technology audits of governmental entities pursuant to s. 11.45, F.S.”³⁶ Further, agencies are required to communicate incident reports and after-action reports regarding hacking events to specific governmental entities.

Section 282.318(4), F.S., Exemptions

The Cybersecurity Act provides that the following state agency information is confidential and exempt from public record requirements:

- Comprehensive risk assessments, whether completed by the agency itself or a private vendor;³⁷
- Internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or IT resources;³⁸ and
- The results of internal cybersecurity audits and evaluations.³⁹

This information must be made available to the Auditor General, the Cybercrime Office of the Florida Department of Law Enforcement, the FLDS, and—for agencies under the jurisdiction of the Governor—the Chief Inspector General.

Section 282.318(5), F.S., Exemptions

In 2016, the Legislature created s. 282.318(5), F.S., which more generally designates as confidential and exempt from public record requirements the portions of risk assessments,⁴⁰ evaluations, external audits,⁴¹ and other reports of a state agency’s cybersecurity program for the data, information, and state agency IT resources⁴² held by a state agency if the disclosure of such

³⁵ Florida Office of Inspector General, *Cybersecurity Resources*, <https://www.floridaoig.com/cyberSecurity.htm> (last visited Jan. 20, 2025). See, e.g., Florida Department of Health Office of Inspector General, Internal Audit Report # 2223-001 (June 5, 2024), <https://www.floridahealth.gov/about/administrative-functions/inspector-general/A-2324-001FinalReport.pdf> (last visited Jan. 20, 2025).

³⁶ Florida Office of the Auditor General, Open Government Sunset Review Questionnaire (Cybersecurity Risk Assessments and Audits) (September 2024) (on file with the Senate Governmental Oversight and Accountability Committee).

³⁷ Section 282.318(4)(d), F.S.

³⁸ Section 282.318(4)(e), F.S.

³⁹ Section 282.318(4)(g), F.S.

⁴⁰ Section 282.0041(29) defines a “risk assessment” for purposes of ch. 282, F.S., as the “process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.”

⁴¹ For purposes of subsection (5) of s. 282.318, F.S., an “external audit” is defined as one conducted by an entity other than the state agency that is the subject of the audit.

⁴² Section 282.0041(22), F.S., defines “IT resources” as data processing hardware and software services, communications, supplies, personnel, facility resources, maintenance, and training.

portions of records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- Data or information, whether physical or virtual; or
- IT resources, which include:
 - Information relating to the security of the agency’s technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
 - Security information, whether physical or virtual, which relates to the agency’s existing or proposed IT systems.

An agency *must* disclose this information only to the Auditor General, the Cybercrime Office of the FDLE, the FLDS, and—for agencies under the Governor’s jurisdiction—the Chief Inspector General. Portions of records *may* be made available to a local government, another state agency, or a federal agency for cybersecurity purposes or in furtherance of the state agency’s official duties.⁴³

The 2016 public necessity statement for this public record exemption, found that independent, external review of state agency cybersecurity information and related systems was valuable.⁴⁴ The bill’s public necessity statement further provided as a basis for the public record exemption that:

Such documents would likely include an analysis of the state agency’s current [IT] program or systems which could clearly identify vulnerabilities or gaps in current systems or processes and propose recommendations to remedy identified vulnerabilities. The disclosure of such portions of records would jeopardize the [IT] security of the state agency, and compromise the integrity and availability of agency data and [IT] resources, which would significantly impair the administration of governmental programs.

Section 119.0725, F.S., Exemptions

Florida law also has a similar public record exemption in s. 119.0725, F.S., which makes confidential and exempt from public record requirements:⁴⁵

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology⁴⁶ systems, or an agency’s data;
- Information relating to “critical infrastructure”, defined as existing and proposed IT and operational technology systems and assets (physical or virtual), the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety;

⁴³ Section 282.382(7), F.S.

⁴⁴ Chapter 2016-114, Laws of Fla. *See also*, Senate Bill 624 (2016).

⁴⁵ Section 119.0725(2), F.S. This public record exemption was implemented in 2022, after s. 282.318, F.S., was passed, to better address ransomware incidents.

⁴⁶ “Operational technology” is the hardware and software that causes or detects a change through the direct monitoring or control of physical devices, systems, processes, or events. Section 119.0725(1)(g), F.S.

- Cybersecurity incident information reported by state agencies or local governments pursuant to ss. 282.318 and 282.3185, F.S.; and
- Network schematics; hardware and software configurations; encryption information; or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:
 - Data⁴⁷ or information (physical or virtual); or
 - IT resources, which include an agency's existing or proposed IT systems.

An agency *must* make this information available to a law enforcement agency, the Auditor General, the Cybercrime Office of the FDLE, the FLDS, and—for agencies under the jurisdiction of the Governor—the Chief Inspector General. An agency *may* disclose the information confidential and exempt information addressed in s. 119.0725, F.S., “in the furtherance of its official duties and responsibilities or to another agency or governmental entity in the furtherance of its statutory duties and responsibilities.”⁴⁸

Agencies must still report information about cybersecurity incidents in the aggregate.⁴⁹

Portions of this exemption were previously included in s. 282.318, F.S., until 2022, when the general exemption for specific cybersecurity information in s. 119.075, F.S., was created.⁵⁰

Section 119.0725(3), F.S., also creates a public meeting exemption for any portion of a meeting that would reveal the information made confidential and exempt pursuant to s. 119.0725(2), F.S.; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record inspection and copying requirements.

These exemptions are currently scheduled to undergo an Open Government Sunset Review and repeal on October 2, 2027.

Cybersecurity Advisory Council

The Florida Cybersecurity Task Force (Task Force) was created in 2019⁵¹ to “review and conduct an assessment of the state’s cybersecurity infrastructure, governance, and operations.” The Task Force produced a final report of its findings and recommendations on February 1, 2021, after which, the body expired.

In 2021, the Legislature subsequently created the Florida Cybersecurity Advisory Council (Advisory Council) within the DMS.⁵² The Advisory Council’s duties, generally, are to meet on a quarterly basis to review Florida’s current cybersecurity policy and recommend changes. The

⁴⁷ “Data” is the subset of structured information in a format that allows such information to be electronically retrieved and transmitted. Section 282.0041(9), F.S.

⁴⁸ Section 119.0725(5), F.S.

⁴⁹ Section 119.0725(6), F.S.

⁵⁰ See ch. 2022-220, Laws of Fla.

⁵¹ Chapter 2019-118, s. 29, Laws of Fla.

⁵² Chapter 2021-234, s. 7, Laws of Fla.

Advisory Council is specifically tasked with assessing ongoing risks to state agency IT and critical cyber infrastructure; recommending a reporting and information sharing system to notify state agencies of new risks; recommending data breach simulation exercises; assisting with the development of cybersecurity best practice recommendations; assessing cybersecurity and ransomware incident reporting from state agencies, counties, and municipalities; and examining inconsistencies between state and federal law regarding cybersecurity.⁵³

The Advisory Council must also annually submit two separate reports: the first to the President of the Senate and Speaker of the House of Representatives which details legislative recommendations the Advisory Council considers necessary; the second to the Governor, President of the Senate, and Speaker of the House of Representatives, which reports the data, trends, analysis, and recommendations for state and local action regarding ransomware incidents.

The membership of the Advisory Council consists of up to 19 members, including the Lieutenant Governor, state chief information officer, state chief information security officer, and various other members from state agencies and the public. The members are required to maintain the confidential or exempt status of information they receive in the performance of their duties and responsibilities as members of the council.⁵⁴

Of the 52 meetings held by the Advisory Council's workgroups between June 28, 2022, and November 7, 2024, one had a general meeting portion open to the public—the rest of the “executive sessions” were shaded meetings and generally did not offer a specific citation as the basis for the meeting's closure.⁵⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,⁵⁶ with specified exceptions.⁵⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.⁵⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.⁵⁹ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the

⁵³ Section 282.319, F.S.

⁵⁴ Section 282.319(8), F.S.

⁵⁵ Florida Department of Management Services, Cybersecurity Advisory Council, *Advisory Council Overview: Workgroups*, https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council (last visited Jan. 8, 2025).

⁵⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

⁵⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

⁵⁸ Section 119.15(3), F.S.

⁵⁹ Section 119.15(6)(b), F.S.

exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program and administration would be significantly impaired without the exemption;⁶⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;⁶¹ or
- It protects trade or business secrets.⁶²

The Act also requires specified questions to be considered during the review process.⁶³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.⁶⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁶⁵

Open Government Sunset Review of the Public Records and Open Meetings Exemptions for Cybersecurity Information

The staff of the Senate Governmental Oversight and Accountability Committee and the House Government Operations Subcommittee jointly surveyed Florida agencies to ascertain whether the public record and open meeting exemptions in s. 282.318(5) and (6), F.S., remain necessary. Staff reviewed a total of 24 agencies' responses, a majority of which recommend that the Legislature reenact the public record exemptions without any changes.

Public Record Exemption Findings

Legislative staff requested that respondents consider the public records exemption for cybersecurity in s. 119.0725, F.S., to determine if there is any overlap between those provisions and the exemption under review. Some respondents noted that s. 119.0725, F.S., did have some overlap with s. 119.0713(5), F.S.; however, many of those that gave such feedback noted that s. 119.0725, F.S., did not include the full breadth of the information protected by s. 282.318, F.S.

⁶⁰ Section 119.15(6)(b)1., F.S.

⁶¹ Section 119.15(6)(b)2., F.S.

⁶² Section 119.15(6)(b)3., F.S.

⁶³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

⁶⁴ FLA. CONST. art. I, s. 24(c).

⁶⁵ Section 119.15(7), F.S.

Further, many respondents noted that, unless several provisions of s. 282.318(5), F.S., were imported verbatim into s. 119.0725, F.S., there would be a loss in information currently protected if the chapter 282, F.S., provision was not reenacted.

The responding agencies generally did not report any issue interpreting or applying the exemptions, and noted that the exemptions were used, in particular, to protect relevant portions of audits, security incident reports, and security protocols.

Responding agencies also state that they share the confidential and exempt documents with the Office of Inspector General, Auditor General, FLDS, and FDLE, usually for audit or reporting purposes. At least one agency cites sharing exempt information with the Executive Office of the Governor, IRS, FBI, Social Security Administration, Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services, Multi-State Information Sharing and Analysis Center (MS-ISAC), and federal Cybersecurity & Infrastructure Security Agency, for either incident reporting, required auditing, or in order to meet a federal funding requirement.

The Legislature is directed to consider whether the records subject to an Open Government Sunset Review are protected by another exemption, and if so, if it would be appropriate to merge the exemptions.⁶⁶ As outlined above, there are at least three public record exemptions that may cover information made confidential and exempt by s. 282.318(5), F.S. Several agencies seem to rely on the exemptions as a group to protect “cybersecurity information” rather than distinguish between them.

Public Meeting Exemption Findings

Few responding agencies report using the public meeting exemption in s. 282.318(6), F.S., which exempts those portions of a public meeting that would reveal records which are confidential and exempt under s. 282.318(5), F.S. Of the nine respondents who provided feedback regarding the public meeting exemption in s. 282.318(6), F.S., all but one supported its reenactment without any change.

One respondent reports using the exemption in IT procurement meetings that include cybersecurity discussions. The DMS reports using the exemption approximately 20 times for incident response meetings, risk assessment meetings, audit meetings, and assessment meetings—it is unclear whether this number includes the Cybersecurity Advisory Council’s meetings throughout the year.

III. Effect of Proposed Changes:

The bill delays for one year the repeal of the public records exemption and related public meeting exemption for portions of risk assessments, evaluations, external audits, and other reports of a state agency’s cybersecurity program for the data, information, and state agency IT resources which are held by a state agency, if the disclosure of such portions of records would facilitate unauthorized access to, or the unauthorized modification, disclosure, or destruction of:

- Data or information, whether physical or virtual; or
- IT resources, which include:

⁶⁶ Section 119.15(6)(a), F.S.

- Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
- Security information, whether physical or virtual, that relates to the agency's existing or proposed IT systems.

These exemptions will repeal on October 2, 2025, if this bill does not become law.

The bill extends the repeal date for the public records exemption for specific cybersecurity information in s. 282.318(5) and the related public meeting exemption in s. 282.318(6) for an additional 2 years, from October 2, 2025, until October 2, 2026.

Conversely, the bill moves up by one year (to October 2, 2026), the Open Government Sunset Review for the public record and public meeting exemptions in s. 119.0725(2) and (3), F.S. This exemption makes confidential and exempt from public inspection and copying requirements the following information held by an agency before, on, or after July 1, 2022:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency.
- Information relating to critical infrastructure.
- Cybersecurity incident information that is reported by a state agency or local government pursuant to ss. 282.318 or 282.3185, F.S.
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.

Any portion of a public meeting that would reveal the above confidential and exempt information is closed to the public and exempt from public meetings laws.

This will allow the two exemptions to be assessed at the same time.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements or public meeting requirements. This bill

continues a current public records exemption and a public meeting exemption beyond the current date of repeal and moves up another public record and public meeting exemption; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without creating a new exemption or expanding the current exemption, and therefore does not require a public necessity statement.

Breadth of Exemption

This bill does not expand or narrow the breadth of the exemption provided for in prior law. Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect information relating to state agency cybersecurity which could make the state more vulnerable to attack or other criminal activity. This bill exempts only those portions of records and meetings that contain relevant information and therefore does not appear to be broader than necessary to accomplish the purposes of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redaction of exempt records in response to a public record request for information covered by s. 282.318(5), F.S.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 282.318 and 119.0725 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability

585-02586-25

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A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0725, F.S., which provides exemptions from public records requirements for agency cybersecurity information held by a state agency and exemptions from public meetings requirements for portions of meetings which would reveal confidential and exempt information; revising the date of the scheduled repeal of such exemptions; amending s. 282.318, F.S., which provides exemptions from public records and public meetings requirements for portions of risk assessments, evaluations, external audits, and other reports of a state agency's cybersecurity program for the data, information, and information technology resources of that state agency which are held by a state agency and for portions of a public meeting which would reveal such confidential and exempt records; extending the date of the scheduled repeal of such exemptions; providing an effective date.

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

Section 1. Section 119.0725, Florida Statutes, is amended to read:

119.0725 Agency cybersecurity information; public records exemption; public meetings exemption.—

(1) As used in this section, the term:

(a) "Breach" means unauthorized access of data in

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electronic form containing personal information. Good faith access of personal information by an employee or agent of an agency does not constitute a breach, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.

(b) "Critical infrastructure" means existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.

(c) "Cybersecurity" has the same meaning as in s. 282.0041.

(d) "Data" has the same meaning as in s. 282.0041.

(e) "Incident" means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. As used in this paragraph, the term "imminent threat of violation" means a situation in which the agency has a factual basis for believing that a specific incident is about to occur.

(f) "Information technology" has the same meaning as in s. 282.0041.

(g) "Operational technology" means the hardware and software that cause or detect a change through the direct monitoring or control of physical devices, systems, processes, or events.

(2) The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Coverage limits and deductible or self-insurance

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amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency.

(b) Information relating to critical infrastructure.

(c) Cybersecurity incident information reported pursuant to s. 282.318 or s. 282.3185.

(d) Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or

2. Information technology resources, which include an agency's existing or proposed information technology systems.

(3) Any portion of a meeting that would reveal information made confidential and exempt under subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. An exempt portion of a meeting may not be off the record and must be recorded and transcribed. The recording and transcript are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) The public records exemptions contained in this section apply to information held by an agency before, on, or after July 1, 2022.

(5)(a) Information made confidential and exempt pursuant to this section shall be made available to a law enforcement agency, the Auditor General, the Cybercrime Office of the

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Department of Law Enforcement, the Florida Digital Service within the Department of Management Services, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

(b) Such confidential and exempt information may be disclosed by an agency in the furtherance of its official duties and responsibilities or to another agency or governmental entity in the furtherance of its statutory duties and responsibilities.

(6) Agencies may report information about cybersecurity incidents in the aggregate.

(7) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026 ~~2027~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (9) of section 282.318, Florida Statutes, is amended, and subsections (5) and (6) of that section are republished, to read:

282.318 Cybersecurity.—

(5) The portions of risk assessments, evaluations, external audits, and other reports of a state agency's cybersecurity program for the data, information, and information technology resources of the state agency which are held by a state agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of such portions of records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

(a) Data or information, whether physical or virtual; or

(b) Information technology resources, which include:

1. Information relating to the security of the agency's

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117 technologies, processes, and practices designed to protect
 118 networks, computers, data processing software, and data from
 119 attack, damage, or unauthorized access; or
 120 2. Security information, whether physical or virtual, which
 121 relates to the agency's existing or proposed information
 122 technology systems.
 123
 124 For purposes of this subsection, "external audit" means an audit
 125 that is conducted by an entity other than the state agency that
 126 is the subject of the audit.
 127 (6) Those portions of a public meeting as specified in s.
 128 286.011 which would reveal records which are confidential and
 129 exempt under subsection (5) are exempt from s. 286.011 and s.
 130 24(b), Art. I of the State Constitution. No exempt portion of an
 131 exempt meeting may be off the record. All exempt portions of
 132 such meeting shall be recorded and transcribed. Such recordings
 133 and transcripts are confidential and exempt from disclosure
 134 under s. 119.07(1) and s. 24(a), Art. I of the State
 135 Constitution unless a court of competent jurisdiction, after an
 136 in camera review, determines that the meeting was not restricted
 137 to the discussion of data and information made confidential and
 138 exempt by this section. In the event of such a judicial
 139 determination, only that portion of the recording and transcript
 140 which reveals nonexempt data and information may be disclosed to
 141 a third party.
 142 (9) Subsections (5) and (6) are subject to the Open
 143 Government Sunset Review Act in accordance with s. 119.15 and
 144 shall stand repealed on October 2, 2026 ~~2025~~, unless reviewed
 145 and saved from repeal through reenactment by the Legislature.

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146 Section 3. This act shall take effect July 1, 2025.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Health and Human
Services, *Chair*
Appropriations
Appropriations Committee on Higher Education
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL

2nd District

March 24, 2025

Dear Chair Passidomo,

I am respectfully requesting I be excused for the March 26th meeting of Rules Committee. I regret that I will be unable to attend.

If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in black ink, appearing to be "J. Trumbull", written in a cursive style.

Senator Jay Trumbull

REPLY TO:

- ☐ 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- ☐ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412
Caption: Senate Rules Committee

Case No.: -
Judge:

Type:

Started: 3/26/2025 9:03:59 AM
Ends: 3/26/2025 11:18:28 AM **Length:** 02:14:30

9:03:58 AM	Chair Passidomo calls meeting to order
9:04:02 AM	Roll call
9:04:07 AM	Quorum announced
9:04:44 AM	Chair with opening comments - Senator Trumbull is excused
9:06:44 AM	Senator Rouson
9:06:51 AM	Chair Passidomo
9:06:54 AM	Senator Rouson
9:06:57 AM	Chair Passidomo
9:07:05 AM	Tab 7 SB 734 Actions for Recovery of Damages for Wrongful Death by Senator Yarborough
9:07:17 AM	Senator Yarborough explains the bill
9:09:57 AM	Late-filed Amendment Barcode 142450 by Senator Burton
9:10:12 AM	Without Objection - introduced
9:10:17 AM	Senator Burton explains the amendment
9:10:55 AM	Late-filed Amendment to the Amendment Barcode 769168
9:11:08 AM	Without Objection - introduced
9:11:11 AM	Senator Martin explains the amendment to the amendment
9:12:37 AM	Questions
9:12:38 AM	Senator Rouson
9:13:10 AM	Senator Martin
9:13:32 AM	Senator Rouson
9:13:42 AM	Senator Martin
9:13:46 AM	Senator Rouson
9:14:00 AM	Senator Martin
9:14:45 AM	Senator Pizzo
9:15:00 AM	Senator Martin
9:15:06 AM	Senator Burgess
9:15:35 AM	Senator Martin
9:15:45 AM	Senator Osgood
9:16:22 AM	Senator Martin
9:16:45 AM	Senator Harrell
9:17:37 AM	Senator Martin
9:18:33 AM	Senator Harrell
9:19:19 AM	Senator Martin
9:19:55 AM	Senator Ingoglia
9:20:37 AM	Senator Martin
9:21:23 AM	Senator Ingoglia
9:21:40 AM	Senator Martin
9:22:08 AM	Senator Ingoglia
9:22:28 AM	Senator Martin
9:22:36 AM	Senator Ingoglia
9:22:55 AM	Senator Martin
9:23:23 AM	Appearance Forms Barcode 769168
9:24:12 AM	Cindy Jenkins speaks
9:24:48 AM	Andy Bolin, Florida Justice Institute, speaks
9:26:31 AM	Travis Brett Creighton speaks
9:27:10 AM	Teresa Mahaffey speaks
9:27:51 AM	Mark Delegal, The Doctors Company, speaks
9:29:24 AM	Carter Scott, Florida Justice Association, speaks
9:29:51 AM	Karen Murillo, AARP, speaks
9:30:15 AM	Sabrina Davis waives
9:30:17 AM	Laura Korniyenko waives
9:30:31 AM	Mayor John Paul O'Connor waives

9:30:34 AM	Marcia Scheppler waives
9:30:37 AM	Darcy McGuill waives
9:30:40 AM	Alyssa Fjeran waives
9:30:44 AM	Karen Aguilar waives
9:30:50 AM	Debate
9:30:52 AM	Senator Harrell
9:32:27 AM	Senator Burgess
9:33:34 AM	Senator Pizzo
9:34:30 AM	Senator Burton
9:35:50 AM	Senator Yarborough
9:36:11 AM	Senator Martin
9:37:30 AM	Amendment is adopted
9:37:33 AM	Amendment Barcode 142450
9:37:47 AM	Questions
9:37:48 AM	Senator Pizzo
9:38:01 AM	Senator Burton
9:38:02 AM	Senator Pizzo
9:38:08 AM	Senator Pizzo
9:38:11 AM	Senator Burton
9:38:34 AM	Senator Pizzo
9:38:42 AM	Chair Passidomo
9:38:45 AM	Senator Pizzo
9:39:19 AM	Senator Burton
9:40:44 AM	Senator Pizzo
9:41:09 AM	Chair Passidomo
9:41:16 AM	Senator Pizzo
9:42:07 AM	Senator Burton
9:42:25 AM	Appearance Forms Barcode 142450
9:42:39 AM	Travis Brett Creighton speaks
9:43:34 AM	Carter Scott, Florida Justice Association, speaks
9:43:52 AM	Marcia Scheppler speaks
9:45:34 AM	Karen Aguilar speaks
9:46:29 AM	Ethan Lopez speaks
9:47:47 AM	Darcy McGuill waives
9:47:56 AM	Jana Sutoova speaks
9:48:47 AM	Cindy Jenkins speaks
9:50:37 AM	Chair Passidomo
9:50:42 AM	Cindy Jenkins
9:50:47 AM	Teresa Mahaffey speaks
9:51:27 AM	Chair Passidomo
9:51:45 AM	Andy Bolin
9:51:47 AM	Dr. Joel Rudman speaks
9:52:50 AM	Sabrina Davis waives
9:52:55 AM	Karen Murillo, AARP, waives
9:53:02 AM	Lauren Korniyenko waives
9:53:04 AM	Alyssa Fjeran waives
9:53:07 AM	Mayor John Paul O'Connor waives
9:53:15 AM	Debate
9:53:16 AM	Senator Harrell
9:54:19 AM	Senator Burgess
9:55:28 AM	Senator Hooper
9:57:12 AM	Chair Passidomo
9:58:38 AM	Senator Burton
10:00:02 AM	Senator Yarborough
10:00:18 AM	Amendment is adopted
10:00:21 AM	Call for roll call vote
10:00:28 AM	Roll call
10:01:29 AM	Amendment fails
10:01:33 AM	Back on the Bill
10:01:47 AM	Appearance Forms
10:02:07 AM	Adam Basford, Associated Industries of Florida, waives
10:02:24 AM	Sabrina Davis speaks

10:03:06 AM Jonathan Freidin, Florida Justice Association, speaks
10:04:21 AM Karen Aguilar speaks
10:06:03 AM Marcia Scheppler speaks
10:07:06 AM Alyssa Fjeran speaks
10:09:00 AM Chair Passidomo
10:09:19 AM Dr. Joel Rudman speaks
10:10:00 AM Carolyn Johnson, FL Chamber of Commerce, waives
10:10:08 AM Darcy McGill speaks
10:10:52 AM Belinda Warren speaks
10:12:50 AM Lauren Korniyenko speaks
10:13:33 AM Sara Frengoi speaks
10:15:30 AM Chair Passidomo
10:15:42 AM Laurette Philipsen
10:18:13 AM Andy Bolin, Florida Justice Reform Association, speaks
10:19:21 AM Vivek Patel, MD, Florida Medical Association, Florida Chapter, American College of Physicians, speaks
10:20:28 AM Karen Murillo, AARP, waives
10:20:32 AM Ethan Lopez speaks
10:21:54 AM Jana Sutoova speaks
10:23:19 AM Teresa Mahaffey speaks
10:24:42 AM Maurice Langston speaks
10:26:10 AM Cindy Jenkins speaks
10:27:49 AM Beth Young
10:28:01 AM Randy Ray speaks
10:28:53 AM Senator Pizzo
10:29:11 AM Mr. Ray
10:29:16 AM Travis Brett Creighton speaks
10:31:02 AM Christine Griner speaks
10:32:38 AM Bob Johnson speaks
10:33:45 AM Mark Delegal, Pro Assurance Corporation, waives
10:33:48 AM Erik Kirk, The Doctors Company, waives
10:33:51 AM Jason Winn, Florida Osteopathic Medical Association, waives
10:33:57 AM George Feijoo, Florida Insurance Council, waives
10:34:04 AM Mayor John Paul O'Connor waives
10:34:07 AM Chirs Nuland, Florida Society of Thoracic Cardiovascular Society, waives
10:34:14 AM David Mica, Florida Hospital Association, waives
10:34:22 AM Debate
10:34:29 AM Senator Harrell
10:37:00 AM Senator Bradley
10:37:45 AM Senator Burgess
10:39:24 AM Senator Gaetz
10:40:28 AM Senator Yarborough
10:41:05 AM Roll call
10:41:48 AM SB 734 is reported favorably
10:41:54 AM Tab 2 CS/SB 86 Peer Support for First Responders by Senator Burgess
10:42:04 AM Senator Burgess explains the bill
10:42:12 AM Appearance Forms
10:42:33 AM Chase Daniels, Pasco Sheriff's Office, waives
10:42:38 AM Jennifer Pritt, Florida Police Chiefs Association, waives
10:42:43 AM William B. Smith, FL PBA, waives
10:42:51 AM Senator Burgess
10:42:53 AM Roll call
10:43:30 AM CS/SB 86 is reported favorably
10:43:34 AM Tab 3 SB 316 Limited Liability Companies by Senator Berman
10:43:39 AM Senator Berman explains the bill
10:44:22 AM Late-Filed Amendment Barcode 386758
10:44:29 AM Without Objection - introduced
10:44:35 AM Senator Berman explains the amendment
10:44:59 AM Amendment is adopted
10:45:00 AM Back on the Bill
10:45:04 AM Appearance Form
10:45:05 AM Aimee Diaz Lyon, The Business Law Section of the Florida Bar, waives
10:45:13 AM Senator Berman

10:45:19 AM Roll call
10:45:55 AM CS/SB 316 is reported favorably
10:45:59 AM Tab 4 CS/CS/SB 384 Annexing State-owned Lands by Senator Burton
10:46:09 AM Senator Burton explains the bill
10:46:35 AM Roll call
10:47:11 AM CS/CS/SB 384 is reported favorably
10:47:16 AM Tab 5 CS.SB 480 Nonprofit Agricultural Organization Medical Benefit Plans by Senator DiCeglie
10:47:31 AM Senator DiCeglie explains the bill
10:47:51 AM Amendment Barcode 376766 by Senator Gruters
10:47:59 AM Senator Gruters explains the amendment
10:48:31 AM Senator DiCeglie
10:48:43 AM Amendment is adopted
10:48:44 AM Back on the Bill
10:48:50 AM Appearance Forms
10:48:52 AM Tripp Hunter, Farm Bureau, waives
10:49:00 AM Daniel Martinez, Americans for Prosperity, waives
10:49:17 AM Senator DiCeglie
10:49:19 AM Roll call
10:50:00 AM CS/CS/SB 480 is reported favorably
10:50:06 AM Tab 6 CS/SB 538 State Courts System by Senator Bradley
10:50:13 AM Senator Bradley explains the bill
10:50:48 AM Appearance Forms
10:50:51 AM Tad David, Supreme Court Committee for ADR Rules and Policy, waives
10:50:58 AM Sean Burnfin, State Courts System, waives
10:51:04 AM Judge Clay Roberts, Florida Conference of DCA Judges, waives
10:51:15 AM Senator Bradley
10:51:17 AM Roll call
10:51:55 AM CS/SB 538 is reported favorably
10:52:00 AM Tab 8 SB 878 Probation for Misdemeanor Offenses by Senator Martin
10:52:07 AM Senator Martin explains the bill
10:52:33 AM Roll call
10:53:17 AM SB 878 is reported favorably
10:53:21 AM Tab 9 CS/SB 944 Insurance Overpayment Claims Submitted to Psychologists by Senator Davis
10:53:31 AM Senator Davis explains the bill
10:54:07 AM Appearance Form
10:54:08 AM Deborah Foote, FL Psychological Assn., waives
10:54:17 AM Senator Davis
10:54:23 AM Roll call
10:55:05 AM CS/SB 944 is reported favorably
10:55:09 AM Tab 10 SM 1488 United States Sovereign Wealth Fund by Senator Avila
10:55:16 AM Senator Avila explains the memorial
10:56:09 AM Roll call
10:56:53 AM SM 1488 is reported favorably
10:56:58 AM Tab 11 SB 7020 OGSRAgency Cybersecurity Information by GO (Senator DiCeglie)
10:57:09 AM Senator DiCeglie explains the bill
10:57:27 AM Roll call
10:58:28 AM SB 7020 is reported favorably
10:58:33 AM Tab 1 CS/SB 56 Geoengineering and Weather Modification Activities by EN (Senator Garcia)
10:58:51 AM Senator Garcia explains the bill
10:59:00 AM Amendment Barcode 840238
11:00:32 AM Questions
11:00:36 AM Senator Berman
11:00:51 AM Senator Garcia
11:01:22 AM Senator Berman
11:01:40 AM Senator Garcia
11:02:04 AM Senator Berman
11:02:23 AM Senator Garcia
11:02:38 AM Senator Garcia
11:02:40 AM Amendment is adopted
11:02:43 AM Back on the Bill
11:02:51 AM Appearance Forms
11:02:58 AM Heath Wruble, FL Department of Juvenile Justice, speaks

11:05:57 AM Susan Clarke speaks
11:07:24 AM Augustus Doricho speaks
11:11:10 AM Senator Garcia
11:12:10 AM Mr. Doricho
11:12:48 AM Aimee Valella McBride, Global Wellness Forum, speaks
11:14:52 AM Debate
11:14:55 AM Senator Pizzo
11:16:49 AM Senator Garcia
11:16:55 AM Roll call
11:17:40 AM CS/CS/SB 56 is reported favorably
11:17:59 AM Votes After Motions
11:18:04 AM Senator Gruters
11:18:10 AM Without objection motion adopted
11:18:15 AM Senator Berman moves to adjourn
11:18:20 AM Meeting adjourned