Tab 1	**SB 8** by **Simon;** Identical to H 06507 Relief of Marcus Button by the Pasco County School Board

Tab 2	**SB 22** by **Rodriguez;** Identical to CS/H 06525 Relief of Eric Miles, Jr., and Jennifer Miles by the South Broward Hospital District

252714	T	S	RCS	RC, Rodriguez	In title, delete L.56 -	04/08 08:07 PM

Tab 3	**CS/SB 28** by **HP, Martin;** Similar to H 06523 Relief of Darline Angervil and J.R. by the South Broward Hospital District

Tab 4	**CS/SB 44** by **TR, Rodriguez;** Similar to CS/CS/H 00253 Motor Vehicles

852894	A	S	LRCS	RC, Rodriguez	Delete L.83 - 93:	04/08 08:01 PM

Tab 5	**CS/CS/SB 48** by **ACJ, JU, Garcia;** Compare to H 01375 Foreclosure Procedures

Tab 6	**CS/CS/SB 232** by **BI, CM, Rodriguez;** Similar to CS/H 00147 Debt Collection

Tab 7	**CS/SB 300** by **GO, Rouson;** Similar to H 00373 Public Records/Appellate Court Clerks and their Spouses and Children

Tab 8	**SB 302** by **Rouson;** Similar to H 00155 Public Records/Judicial Qualifications Commission

Tab 9	**CS/SB 342** by **GO, Harrell;** Identical to H 00527 Public Records/Agency for Health Care Administration

Tab 10	**CS/CS/SB 498** by **BI, JU, Grall;** Similar to H 00173 Trust Fund Interest for Purposes Approved by the Supreme Court

869322	A	S	RS	RC, Grall	Delete L.68 - 80:	04/08 07:58 PM
690360	SA	S	LRCS	RC, Grall	Delete L.68 - 80:	04/08 07:58 PM

Tab 11	**CS/SB 508** by **AED, Jones;** Similar to H 00423 Family Empowerment Scholarship Program

655878	A	S	LRCS	RC, Jones	Delete L.20 - 39:	04/08 07:50 PM

Tab 12	**CS/SB 576** by **JU, Leek;** Identical to CS/H 00157 Service of Process

Tab 13	**SB 606** by **Leek;** Similar to CS/H 00535 Public Lodging and Food Service Establishments

834232	A	S	LUNFAV	RC, Pizzo	btw L.90 - 91:	04/08 03:38 PM

Tab 14	**CS/SB 626** by **GO, Osgood;** Similar to H 00197 Council on the Social Status of Black Men and Boys

Tab 15	**CS/SB 656** by **HP, Rodriguez;** Similar to CS/H 00547 Health Care Billing and Collection Activities

171482	A	S	RCS	RC, Rodriguez	Delete L.46 - 47:	04/08 07:48 PM

Tab 16	**SB 658** by **Truenow;** Compare to H 00893 Waiver or Release of Liens

275648	A	S	RCS	RC, Truenow	Delete L.68 - 70:	04/08 04:15 PM

Tab 17	**CS/SB 710** by **CJ, Osgood;** Similar to CS/H 00397 Public Records/Crime Stoppers Organizations

Tab 18	**SB 726** by **Ingoglia;** Compare to CS/CS/H 00279 False Reporting

Tab 19	**CS/CS/SB 736** by **AEG, EN, Truenow (CO-INTRODUCERS) Brodeur;** Identical to CS/H 00733 Brownfields

Tab 20	**CS/CS/SB 768** by **JU, HP, Calatayud;** Identical to CS/H 01543 Controlling Business Interests by Persons with Ties to Foreign Countries of Concern

Tab 21	**CS/SB 772** by **ED, Calatayud;** Identical to CS/CS/CS/H 00597 Diabetes Management in Schools

Tab 22	**CS/CS/SB 784** by **JU, CA, Ingoglia;** Similar to CS/CS/H 00381 Platting

908718	A	S	LRCS	RC, Ingoglia	Delete L.20 - 41:	04/08 08:04 PM
250526	AA	S	RCS	RC, Ingoglia	Delete L.86:	04/08 08:04 PM

Tab 23	**CS/CS/SB 832** by **EN, JU, Burgess;** Similar to CS/H 00585 Former Phosphate Mining Lands

Tab 24	**CS/SB 910** by **MS, Collins;** Similar to CS/CS/H 00277 Veterans' Benefits Assistance

891766	D	S	RS	RC, Collins	Delete everything after	04/08 08:11 PM
761416	SD	S	RCS	RC, Collins	Delete everything after	04/08 08:11 PM

Tab 25	**CS/SB 940** by **RI, McClain;** Similar to CS/H 00543 Third-party Reservation Platforms

Tab 26	**SB 952** by **Ingoglia (CO-INTRODUCERS) Yarborough, Collins;** Identical to H 06025 Restrictions on Firearms and Ammunition During Emergencies

Tab 27	**SB 1002** by **Truenow (CO-INTRODUCERS) Trumbull;** Similar to H 01137 Utility Service Restrictions

246776	A	S	RCS	RC, Truenow	Delete L.42 - 67:	04/08 08:13 PM

Tab 28	**CS/CS/SB 1132** by **AG, CM, Truenow (CO-INTRODUCERS) Bradley;** Compare to H 00235 Consumers' Right to Repair Certain Equipment

Tab 29	**CS/SB 1164** by **CA, Leek;** Similar to CS/CS/CS/1ST ENG/H 00615 Electronic Delivery of Notices Between Landlords and Tenants

Tab 30	**CS/CS/SB 1346** by **JU, HP, Polsky (CO-INTRODUCERS) Pizzo, Berman;** Similar to CS/H 01195 Fentanyl Testing

Tab 31	**SB 1374** by **Yarborough;** Similar to CS/CS/H 01287 School District Reporting Requirements

976670	A	S	LRCS	RC, Yarborough	Before L.18:	04/08 08:15 PM

Tab 32	**CS/SB 1378** by **TR, Arrington;** Identical to CS/H 00479 Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property

Tab 33	**CS/SB 1400** by **CM, Calatayud;** Similar to CS/CS/H 01161 Removal of Altered Sexual Depictions Posted Without Consent

Tab 34	**CS/SB 1430** by **CJ, Collins;** Similar to CS/H 00265 Postjudgment Execution Proceedings Relating to Terrorism

Tab 35	**CS/SB 1546** by **CJ, Grall;** Compare to H 00431 Background Screening of Athletic Coaches

813550	A	S	RCS	RC, Grall	Delete L.36 - 64:	04/08 08:18 PM
396786	A	S	LRCS	RC, Grall	Delete L.29 - 30:	04/08 08:18 PM

Tab 36	**CS/SB 1640** by **GO, Grall;** Similar to H 01479 Public Records/Lethality Assessment Forms

616426	A	S	RCS	RC, Grall	Delete L.53 - 55:	04/08 04:31 PM

Tab 37	**CS/SB 1666** by **CM, Grall;** Similar to CS/CS/H 00515 Uniform Commercial Code

151818	A	S	RCS	RC, Grall	Delete L.346 - 363:	04/08 08:23 PM
136974	A	S	RCS	RC, Grall	Delete L.1763 - 1765:	04/08 08:23 PM

Tab 38	**SB 1690** by **McClain;** Similar to CS/CS/H 00791 Surrendered Infants

Tab 39	**SB 1696** by **Calatayud;** Similar to CS/CS/H 01525 Prearranged Transportation Services

430890	A	S	RCS	RC, Calatayud	Delete L.20 - 31:	04/08 08:26 PM

Tab 40	**CS/SB 1730** by **CA, Calatayud;** Compare to CS/H 00943 Affordable Housing

732854	A	S	RCS	RC, Calatayud	Delete L.155 - 515:	04/08 08:28 PM

Tab 41	**SB 1738** by **Ingoglia;** Similar to CS/H 00203 Transportation Concurrency

Tab 42	**CS/CS/SB 1828** by **JU, CJ, Martin;** Compare to CS/H 01447 Trespass

667748	A	S	RCS	RC, Martin	Delete L.82:	04/08 08:31 PM

Tab 43	**SB 7008** by **BI (CO-INTRODUCERS) Sharief;** Identical to H 07003 OGSR/Financial Technology Sandbox

Tab 44	**CS/SB 7010** by **GO, BI;** Similar to H 07011 OGSR/Department of Financial Services

Tab 45	**SB 7018** by **HP (CO-INTRODUCERS) Harrell;** Identical to H 07025 OGSR/Parental Consent Requirements Before Terminating a Pregnancy

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, April 8, 2025
TIME: 9:00 a.m.—12:30 p.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	**SB 8** Simon (Identical H 6507)	Relief of Marcus Button by the Pasco County School Board; Providing for the relief of Marcus Button by the Pasco County School Board; providing an appropriation to compensate Marcus Button for harms and losses he sustained as a result of the negligence of an employee of the Pasco County School Board; providing an appropriation to Robin Button, as the surviving parent and natural guardian of Marcus Button, for harms and losses sustained as a result of the injury to her child, Marcus Button; providing a limitation on the payment of compensation and attorney fees, etc. SM JU 03/19/2025 Favorable ED 03/25/2025 Not Considered ED 03/31/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1
2	**SB 22** Rodriguez (Identical CS/H 6525)	Relief of Eric Miles, Jr., and Jennifer Miles by the South Broward Hospital District; Providing for the relief of Eric Miles, Jr., and Jennifer Miles, as copersonal representatives of their minor son, E.E.M., by the South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital; providing for an appropriation to compensate Eric Miles, Jr., and Jennifer Miles for the injuries and damages sustained by their son as a result of the negligence of the South Broward Hospital District; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 03/19/2025 Favorable HP 04/01/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 23 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**CS/SB 28** Health Policy / Martin (Similar H 6523)	Relief of Darline Angervil and J.R. by the South Broward Hospital District; Providing for the relief of Darline Angervil and J.R., a minor, by the South Broward Hospital District; providing an appropriation to compensate Darline Angervil, individually and as parent and natural legal guardian of J.R., and J.R. for injuries and damages sustained as a result of negligence of the South Broward Hospital District; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 03/25/2025 Favorable HP 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1
4	**CS/SB 44** Transportation / Rodriguez (Similar CS/CS/H 253)	Motor Vehicles; Reclassifying the offense of driving, moving, or causing to be moved a vehicle or equipment with certain lighting on a highway as a third degree felony; prohibiting a person from knowingly using a license plate obscuring device; prohibiting the purchase, possession, manufacture, sale, offering for sale, or distribution of a license plate obscuring device, etc. TR 03/04/2025 Fav/CS CJ 04/01/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
5	**CS/CS/SB 48** Appropriations Committee on Criminal and Civil Justice / Judiciary / Garcia (Compare H 1375)	Foreclosure Procedures; Specifying mandatory requirements for foreclosure sales; requiring that a request to deviate from certain procedures be in a separate pleading; requiring courts to set forth any deviations in writing in the final judgement of foreclosure or other order, etc. JU 02/11/2025 Fav/CS ACJ 03/05/2025 Temporarily Postponed ACJ 03/18/2025 Not Considered ACJ 03/26/2025 Fav/CS RC 04/08/2025 Temporarily Postponed	Temporarily Postponed
6	**CS/CS/SB 232** Banking and Insurance / Commerce and Tourism / Rodriguez (Similar CS/H 147)	Debt Collection; Revising prohibited practices for a person attempting to collect consumer debt, etc. CM 02/11/2025 Temporarily Postponed CM 03/03/2025 Fav/CS BI 03/25/2025 Temporarily Postponed BI 03/31/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**CS/SB 300** Governmental Oversight and Accountability / Rouson (Similar H 373)	Public Records/Appellate Court Clerks and their Spouses and Children; Defining the term "appellate court"; providing an exemption from public records requirements for the personal identifying and location information of current appellate court clerks and the spouses and children of such appellate court clerks; providing for future legislative review and repeal of the exemption; providing a method for maintenance of an exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. JU 02/18/2025 Favorable GO 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1
8	**SB 302** Rouson (Similar H 155)	Public Records/Judicial Qualifications Commission; Providing an exemption from public records requirements for the personal identifying and location information of current and former employees of the Judicial Qualifications Commission and the personal identifying and location information of the spouses and children of such employees; providing for legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. JU 02/18/2025 Favorable GO 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1
9	**CS/SB 342** Governmental Oversight and Accountability / Harrell (Identical H 527)	Public Records/Agency for Health Care Administration; Providing an exemption from public records requirements for the personal identifying and location information of certain current or former personnel of the Agency for Health Care Administration and the names and personal identifying and location information of the spouses and children of such personnel; providing for future legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. HP 02/18/2025 Favorable GO 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	**CS/CS/SB 498** Banking and Insurance / Judiciary / Grall (Similar H 173)	Trust Fund Interest for Purposes Approved by the Supreme Court; Authorizing financial institutions to hold funds in specified trust accounts to be used for specified purposes; requiring such financial institutions to pay a certain interest rate or dividend; prohibiting the interest rate from being less than a specified percentage; requiring a financial institution to submit a rate validation sheet and affidavit to the Chief Financial Officer attesting it will pay a certain interest rate or dividend; requiring that the affidavit attest that certain information is true and factual, etc. JU 03/12/2025 Fav/CS BI 03/31/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 17 Nays 7
11	**CS/SB 508** Appropriations Committee on Pre-K - 12 Education / Jones (Similar H 423)	Family Empowerment Scholarship Program; Requiring private schools participating in the Family Empowerment Scholarship Program to provide specified information in writing to parents before certain students enroll in the school; requiring that the parent of certain students be informed of certain information within a specified timeframe, etc. ED 03/11/2025 Favorable AED 03/26/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
12	**CS/SB 576** Judiciary / Leek (Identical CS/H 157)	Service of Process; Expanding the hours during which registered agents are required to keep the designated registered office open for the purpose of process service; authorizing service of process by personally serving the receiver for specified domestic entities in receivership during pendency of the receivership; requiring that a certain substituted service of process be issued in the name of the party to be served in care of the Secretary of State; specifying that registered agents must have been designated under a specified provision for a specified purpose, etc. JU 03/12/2025 Fav/CS GO 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	**SB 606** Leek (Similar CS/H 535)	Public Lodging and Food Service Establishments; Revising the instances under which the operator of any public lodging establishment may remove a guest; providing requirements for the notice an operator of a public lodging establishment or public food service establishment may give to a guest under specified circumstances; requiring a law enforcement officer to remove a guest who remains on the premises of any public lodging establishment after an operator makes a specified request, etc. RI 03/12/2025 Favorable CJ 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 22 Nays 2
14	**CS/SB 626** Governmental Oversight and Accountability / Osgood (Similar H 197)	Council on the Social Status of Black Men and Boys; Revising the quorum requirements for the Council on the Social Status of Black Men and Boys to require only 9 members for a quorum; authorizing members to appear by communications media technology; providing that members who appear by such technology are considered present and may be counted toward the quorum requirement, etc. GO 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
15	**CS/SB 656** Health Policy / Rodriguez (Similar CS/H 547)	Health Care Billing and Collection Activities; Revising the definition of the term “extraordinary collection action”; authorizing facilities to engage in an extraordinary collection action under certain circumstances, etc. HP 03/25/2025 Fav/CS CM 03/31/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
16	**SB 658** Truenow (Compare H 893)	Waiver or Release of Liens; Requiring that waiver and release of lien forms include specific language; authorizing a lienor who executes such lien and release forms in exchange for payment, rather than a check, to condition such waiver and release on receipt of funds, rather than payment of a check, etc. JU 03/25/2025 Favorable CA 03/31/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	**CS/SB 710** Criminal Justice / Osgood (Similar CS/H 397)	Public Records/Crime Stoppers Organizations; Providing an exemption from public records requirements for specified personal identifying and location information of employees of crime stoppers organizations and the board members and volunteers of such crime stoppers organizations; providing for future legislative review and repeal of the exemption; providing for retroactive application; providing a statement of public necessity, etc. CJ 03/11/2025 Fav/CS GO 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 22 Nays 2
18	**SB 726** Ingoglia (Compare CS/CS/H 279, S 278)	False Reporting; Providing that a person who misuses emergency communication systems is liable for the costs of prosecution and investigation; providing that a person who makes a false report to law enforcement authorities is liable for the costs of prosecution and investigation; providing that such persons are also liable for restitution if the false report involves another person who sustained injuries or property damage as a result of the false report, etc. CJ 03/25/2025 Favorable RI 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
19	**CS/CS/SB 736** Appropriations Committee on Agriculture, Environment, and General Government / Environment and Natural Resources / Truenow (Identical CS/H 733)	Brownfields; Deleting a provision requiring certain property owners to provide information regarding institutional controls to the local government for mapping purposes; revising the conditions under which an applicant who has rehabilitated a contaminated site may submit and claim certain tax credits; deleting the definition of the term “monetary compensation”; revising the date by which the Department of Environmental Protection must issue annual site rehabilitation tax credit certificate awards, etc. EN 03/11/2025 Fav/CS AEG 03/26/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 0
20	**CS/CS/SB 768** Judiciary / Health Policy / Calatayud (Identical CS/H 1543)	Controlling Business Interests by Persons with Ties to Foreign Countries of Concern; Revising minimum health care provider licensure requirements relating to persons or entities possessing a specified controlling interest in the licensee; revising the definition of the terms “business relationship” and “foreign country of concern”, etc. HP 03/18/2025 Fav/CS JU 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	**CS/SB 772** Education Pre-K - 12 / Calatayud (Identical CS/CS/CS/H 597)	Diabetes Management in Schools; Authorizing a school district or public school to acquire and maintain a supply of undesignated glucagon; authorizing a school district or public school to obtain monetary donations or apply for grants to purchase glucagon; authorizing a school district or public school to request a prescription for glucagon from a county health department; requiring an employee to call for emergency assistance and provide parental notification after the administration of glucagon, etc. ED 03/17/2025 Fav/CS HP 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
22	**CS/CS/SB 784** Judiciary / Community Affairs / Ingoglia (Similar CS/CS/H 381, Compare CS/S 1118)	Platting; Requiring that plat or replat submittals be reviewed and approved administratively by a designee or designees of the appropriate local governing body; requiring such designee or designees to review such plat or replat submittal for compliance within a specified timeframe; requiring that written comments be provided to the applicant if the plat or replat submittal fails to meet specified requirements, etc. CA 03/17/2025 Fav/CS JU 04/01/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
23	**CS/CS/SB 832** Environment and Natural Resources / Judiciary / Burgess (Similar CS/H 585)	Former Phosphate Mining Lands; Providing conditions for a cause of action against certain former phosphate mine sites; requiring the Department of Health to conduct gamma radiation surveys of former phosphate land parcels upon petition; requiring that specified documentation of radiation levels be submitted in certain civil actions related to phosphate mining, etc. JU 03/12/2025 Fav/CS EN 03/25/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
24	**CS/SB 910** Military and Veterans Affairs, Space, and Domestic Security / Collins (Similar CS/H 277)	Veterans' Benefits Assistance; Prohibiting a person from receiving compensation for referring an individual to another person for advising, assisting, or consulting on veterans' benefits matters; requiring that persons who advise, assist, or consult on veterans' benefits matters for compensation provide a specified oral and written disclosure before entering into a business relationship with a client; prohibiting a provider who advises, assists, or consults on veterans' benefits matters from charging certain fees; requiring a provider to successfully complete a specified background screening before entering into an agreement with a veteran for veterans' benefits matters, etc. MS 03/18/2025 Fav/CS CM 03/31/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
25	**CS/SB 940** Regulated Industries / McClain (Similar CS/H 543)	Third-party Reservation Platforms; Citing this act as the "Restaurant Reservation Anti-Piracy Act"; specifying that a third-party reservation platform does not include certain contractual designees; prohibiting a third-party reservation platform from listing, advertising, promoting, selling, or otherwise enabling a reservation at a public food service establishment; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose a civil penalty not to exceed a specified amount for a violation of the act or of a division rule, etc. RI 03/19/2025 Fav/CS CM 03/31/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
26	**SB 952** Ingoglia (Identical H 6025)	Restrictions on Firearms and Ammunition During Emergencies; Repealing provisions relating to specified automatic restrictions on firearms and ammunition during certain declared emergencies, etc. CJ 03/11/2025 Favorable CA 03/31/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
27	**SB 1002** Truenow (Similar H 1137, Compare CS/H 1523, S 1704)	Utility Service Restrictions; Including boards, agencies, commissions, and authorities of counties, municipal corporations, or other political subdivisions of the state with the entities preempted from taking certain actions that restrict, prohibit, or have the effect of restricting or prohibiting the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain entities to serve customers; voiding existing specified documents and policies from governmental entities that are preempted by the act, etc. CA 03/11/2025 Favorable RI 04/01/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 23 Nays 0
28	**CS/CS/SB 1132** Agriculture / Commerce and Tourism / Truenow (Compare H 235)	Consumers' Right to Repair Certain Equipment; Creating the "Portable Wireless Device Repair Act"; requiring portable wireless device manufacturers to make certain items available to device owners and independent repair providers; prohibiting certain manufacturers from requiring authorized repair providers to continue purchasing certain information in a proprietary format; providing that a complaint may be filed in circuit court under certain circumstances; requiring original equipment manufacturers of agricultural equipment to make certain diagnostic and repair information available for no charge and in a certain manner to independent repair providers and owners, etc. CM 03/10/2025 Fav/CS AG 03/25/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 19 Nays 5
29	**CS/SB 1164** Community Affairs / Leek (Similar CS/CS/CS/H 615)	Electronic Delivery of Notices Between Landlords and Tenants; Authorizing a landlord or tenant to electronically deliver notices to the other party if certain conditions are met; authorizing a party to revoke its agreement to electronic delivery without invalidating notices previously sent by e-mail; providing that a notice delivered by e-mail is deemed delivered at the time the e-mail is sent, etc. JU 03/12/2025 Favorable CA 03/31/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 23 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
30	**CS/CS/SB 1346** Judiciary / Health Policy / Polsky (Similar CS/H 1195)	Fentanyl Testing; Creating "Gage's Law"; requiring hospitals and hospital-based off-campus emergency departments to test for fentanyl as part of any urine testing they conduct to treat individuals for possible drug overdose or poisoning; requiring such facilities to perform a confirmation test if the urine test results are positive for fentanyl; requiring that the results of such tests be retained as part of the patient's clinical record in accordance with the facility's current recordkeeping practices, etc. HP 03/25/2025 Fav/CS JU 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
31	**SB 1374** Yarborough (Similar CS/H 1287)	School District Reporting Requirements; Requiring district school boards to adopt a policy temporarily removing instructional personnel under specified circumstances; revising requirements for law enforcement to notify specified entities when an employee is arrested for certain offenses; requiring instructional personnel and administrative personnel to self-report certain arrests or judgments within specified timeframes, etc. ED 03/17/2025 Favorable CJ 04/01/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
32	**CS/SB 1378** Transportation / Arrington (Identical CS/H 479)	Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property; Authorizing a court to order a driver convicted of leaving the scene of a crash to make restitution for specified damage, etc. TR 03/25/2025 Fav/CS CJ 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
33	**CS/SB 1400** Commerce and Tourism / Calatayud (Similar CS/CS/H 1161)	Removal of Altered Sexual Depictions Posted Without Consent; Citing this act as "Brooke's Law"; requiring covered platforms to establish a process by a specified date for removal of altered sexual depictions posted without the consent of the identifiable person; providing immunity for good faith compliance, etc. CM 03/17/2025 Fav/CS CJ 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
34	**CS/SB 1430** Criminal Justice / Collins (Similar CS/H 265)	Postjudgment Execution Proceedings Relating to Terrorism; Providing additional requirements for postjudgment execution proceedings to enforce judgments entered against terrorist parties under specified provisions; providing retroactive application of specified provisions, etc. JU 03/25/2025 Favorable CJ 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
35	**CS/SB 1546** Criminal Justice / Grall (Compare H 431)	Background Screening of Athletic Coaches; Revising the definition of the term “athletic coach”; revising the effective date upon which an independent sanctioning authority is required to conduct certain background screenings of athletic coaches; providing that an independent sanctioning authority is considered a qualified entity for the purpose of participating in the Care Provider Background Screening Clearinghouse, etc. HP 03/18/2025 Favorable CJ 04/01/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
36	**CS/SB 1640** Governmental Oversight and Accountability / Grall (Similar H 1479)	Public Records/Lethality Assessment Forms; Providing an exemption from public records requirements for a lethality assessment form that contains certain information and responses; authorizing the disclosure of a lethality assessment form to a domestic violence center; prohibiting the disclosure of such information and responses to a state attorney’s office; providing for future legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. CJ 03/18/2025 Favorable GO 04/01/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
37	**CS/SB 1666** Commerce and Tourism / Grall (Similar CS/CS/H 515)	Uniform Commercial Code; Creating the “Uniform Commercial Code—Controllable Electronic Records”; specifying when a purchaser of a controllable account or controllable payment intangible is a qualifying purchaser; specifying when a person has control of a controllable electronic record; authorizing account debtors on a controllable account or controllable payment intangible to discharge obligations under certain circumstances; specifying requirements for perfecting security interests that are enforceable and perfected before a specified date, etc. CM 03/17/2025 Fav/CS JU 04/01/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
38	**SB 1690** McClain (Similar CS/CS/H 791)	Surrendered Infants; Revising the definition of the term “infant”; defining the term “infant safety device”; authorizing certain hospitals, emergency medical services stations, and fire stations to use infant safety devices to accept surrendered infants if the device meets specified criteria; requiring such hospitals, emergency medical services stations, and fire stations to monitor the inside of the device 24 hours per day and physically check and test the devices at specified intervals, etc. HP 03/25/2025 Favorable JU 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 22 Nays 2
39	**SB 1696** Calatayud (Similar CS/H 1525)	Prearranged Transportation Services; Prohibiting the impersonation of a transportation network company driver; providing that services purchased from a transportation network company are not considered privately owned or operated bus transit systems; requiring transportation service providers to provide certain drivers with access to certain training materials, etc. TR 03/25/2025 Favorable CJ 04/01/2025 Favorable RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
40	**CS/SB 1730** Community Affairs / Calatayud (Compare CS/H 943, CS/CS/H 995, CS/CS/S 180, CS/S 1326)	Affordable Housing; Requiring counties and municipalities, respectively, to authorize multifamily and mixed-use residential as allowable uses in portions of flexibly zoned areas under certain circumstances; prohibiting counties and municipalities from requiring that more than a specified percentage of a mixed-use residential project be used for certain purposes; revising the maximum hurricane evacuation clearance time for permanent residents, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; providing that it is unlawful to discriminate in land use decisions or in the permitting of development based on the specified nature of a development or proposed development, etc. CA 03/31/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 24 Nays 0
41	**SB 1738** Ingoglia (Similar CS/H 203, Identical S 1074)	Transportation Concurrency; Revising facilities required to be identified in the capital improvements element of a comprehensive plan that imposes transportation concurrency, etc. CA 03/17/2025 Favorable TR 03/25/2025 Favorable RC 04/08/2025 Temporarily Postponed	Temporarily Postponed

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
42	**CS/CS/SB 1828** Judiciary / Criminal Justice / Martin (Compare CS/H 1447)	Trespass; Providing enhanced criminal penalties for trespassing on property maintained or secured by federal, state, or local law enforcement officers if specified notice is posted; prohibiting a person from willfully entering or remaining in a venue during a ticketed covered event without being authorized, licensed, or invited to enter or remain in such venue, etc. CJ 03/25/2025 Fav/CS JU 04/01/2025 Fav/CS RC 04/08/2025 Fav/CS	Fav/CS Yeas 23 Nays 1
43	**SB 7008** Banking and Insurance (Identical H 7003)	OGSR/Financial Technology Sandbox; Amending a provision which provides for an exemption from public records requirements for certain records provided to and held by the Office of Financial Regulation relating to the Financial Technology Sandbox; deleting the scheduled repeal of the exemption, etc. GO 03/18/2025 Not Considered GO 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
44	**CS/SB 7010** Governmental Oversight and Accountability / Banking and Insurance (Similar H 7011)	OGSR/Department of Financial Services; Amending a provision which provides an exemption from public records requirements for certain records made or received by the Department of Financial Services acting as receiver pursuant to specified provisions; revising the list of records that are exempt from public records requirements; removing the scheduled repeal of the exemption, etc. GO 04/01/2025 Fav/CS RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0
45	**SB 7018** Health Policy (Identical H 7025)	OGSR/Parental Consent Requirements Before Terminating a Pregnancy; Amending provisions relating to an exemption from public records requirements for certain information that could identify a minor petitioning a court to waive parental consent requirements before terminating a pregnancy; deleting the scheduled repeal of the exemption, etc. GO 04/01/2025 Favorable RC 04/08/2025 Favorable	Favorable Yeas 24 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Commission on Ethics		
46	Descovich, Tina (Indialantic)	06/30/2026	Recommend Confirm Yeas 18 Nays 6

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/14/25	SM	Favorable
3/19/25	JU	Favorable
3/31/25	ED	Favorable
4/7/25	RC	Favorable

March 14, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 8**– Senator Simon
HB 6507– Representative Andrade
Relief of Marcus Button by the Pasco County School Board

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED EXCESS JUDGMENT CLAIM FOR $1.2 MILLION FOR MARCUS BUTTON AND HIS PARENTS, MARK AND ROBIN BUTTON, AGAINST THE DISTRICT SCHOOL BOARD OF PASCO COUNTY, TO COMPENSATE FOR INJURIES SUSTAINED BY THE CLAIMANT, MARCUS BUTTON, IN A MOTOR VEHICLE ACCIDENT RESULTING FROM THE NEGLIGENT OPERATION OF A PASCO COUNTY SCHOOL BUS.

UPDATE TO PRIOR REPORT: On December 6, 2010, an administrative law judge (ALJ) from the Division of Administrative Hearings, serving as Senate special master, held a de novo hearing on a previous version of this bill, SB 38 (2011). After the hearing, the ALJ issued a report containing findings of fact and conclusions of law consistent with the underlying jury verdict. That report is attached to this report.

Since that time, the Senate President has reassigned the claim to the undersigned to review records and determine whether any changes have occurred since the hearing that, if

known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to information received, a few such changes have occurred. Claimant Marcus Button's father died on April 19, 2019, and the claimant lives with his mother Robin Button, as his sole caretaker. On February 14, 2024, Marcus Button and Robin Button entered into settlement agreements with the School Board of Pasco County, Florida, in the amount of $1,000,000 for Marcus Button and $200,000 for Robin Button to resolve all claims.

Respectfully submitted,

Miguel Oxamendi
Senate Special Master

cc: Secretary of the Senate

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
402 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
2/1/11	SM	Fav/1 amendments

February 1, 2011

The Honorable Mike Haridopolous
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 38 (2011)** – Senator Mike Fasano
Relief of Marcus Button

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM BASED ON A JURY AWARD FOR MARCUS BUTTON AGAINST THE DISTRICT SCHOOL BOARD OF PASCO COUNTY, TO COMPENSATE THE CLAIMANT FOR INJURIES SUSTAINED IN A MOTOR VEHICLE ACCIDENT RESULTING FROM THE NEGLIGENT OPERATION OF A PASCO COUNTY SCHOOL BUS.

FINDINGS OF FACT:

On September 22, 2006, the Claimant, Marcus Button, was traveling in the front passenger's seat of a 2005 Dodge Neon, which was being driven by Jessica Juettner, a high school classmate of the Claimant's. The Dodge Neon was owned by Donald Juettner, Ms. Juettner's father.

At approximately 7:50 a.m., the Claimant and Ms. Juettner were headed to school on State Road 54 in Zephyrhills, which is located in Pasco County. As the Claimant and Ms. Juettner traveled east on State Road 54, they approached Meadow Point Boulevard, which runs from north to south and intersects State Road 54 at a right angle. Vehicles heading east and west on State Road 54 are not required to stop at the intersection, as there is no stop sign or traffic light. However,

vehicles traveling on Meadow Point Boulevard are required to come to rest at a stop sign prior to turning onto State Road 54.

As the Claimant and Ms. Juettner approached the intersection described above, a District School Board of Pasco County ("District") school bus, which was 35 feet long and weighed 27,500 pounds, was headed north on Meadow Point Boulevard. The bus driver, District employee John Kinne, brought the bus to rest at the stop sign posted at the intersection of State Road 54. However, due to the heavy volume of morning traffic, Mr. Kinne moved the bus beyond the stop bar to facilitate a left turn onto State Road 54.

Despite the absence of any visual obstructions, Mr. Kinne failed to notice the Dodge Neon being driven by Ms. Juettner that was approaching the intersection from the west and within the speed limit. Believing that the intersection was clear, Mr. Kinne pulled forward and began to turn left (headed west) onto State Road 54, directly in the path of the Dodge Neon that was only several car lengths away. Tragically, Ms. Juettner's vehicle impacted the side of the bus, which was in the early process of making the turn and was pointing northwest. According to William Fox, an eyewitness positioned directly behind the bus, there was nothing Ms. Juettner could have done to avoid the collision.

Due to height disparity between the two vehicles, the front of the Dodge Neon went underneath the bus. As a result, the windshield and a portion of the Neon's roof were crushed. After this initial impact, the bus continued forward for a short distance, with the rear wheels of the bus striking the passenger's side of the Neon. Photographs of the Dodge Neon reveal significant intrusion on the driver's side of the vehicle, as well as some degree of intrusion on the passenger's side.

The accident was investigated by Trooper Jose Ramos of the Florida Highway Patrol. Trooper Ramos concluded that Mr. Kinne failed to yield to Ms. Juettner's vehicle, and was therefore at fault. Significantly, Trooper Ramos further determined that Ms. Juettner did not contribute to the accident.

Ms. Juettner, who was wearing her seatbelt, was not seriously injured in the collision. However, the Claimant, who

did not have his seatbelt fastened, sustained significant injuries to his head. Specifically, the Claimant suffered trauma center, where he was hospitalized for nearly a month. The Claimant was then transferred to a rehabilitation center, where he remained for approximately four weeks.

As a result of the accident, the Claimant, who is now 20 years old, continues to suffer from a variety of maladies, which include:

- Impaired judgment and the inability to make simple decisions, such as when it is safe to cross a road. Accordingly, the claimant requires almost constant supervision.
- Substantially impaired vision in one eye. In addition, neither eye can look up or down, and both are permanently dilated.
- No sense of smell.
- A misshapen and asymmetrical head.
- Hallucinations and other mental health issues that require numerous psychiatric medications. At present, the Claimant takes 13 daily medications, ten of which are anti-psychotic drugs. Although there is evidence indicating that the Claimant suffered from minor emotional issues prior to the accident (e.g., fighting and other disruptive behavior at school), his present psychiatric problems are clearly a manifestation of the injuries sustained in the September 22, 2006, traffic accident.
- Memory and cognitive deficits.

According to Dr. Paul Kornberg, a physician specializing in pediatric rehabilitation, the impairments to the Claimant's judgment, memory, and cognitive ability, combined with his psychiatric issues, will make it nearly impossible for the Claimant to find and maintain employment.

LITIGATION HISTORY:

In September 2007, the Claimant filed a negligence action against the District. The matter proceeded to a jury trial in July of 2009, during which the Claimant presented the testimony of multiple witnesses, which included Dr. Kornberg, Dr. John Dabrowski (a neuropsychologist), Brenda Mulder (a certified public accountant and forensic

economist), Dr. Mitchell Drucker (a neuroopthamologist), and a seatbelt expert, Dr. Michael Freeman. The Claimant elicited evidence that his future medical bills would range from $6.2 million to $10.8 million.

During its defense, the District presented the testimony of Dr. Robert Martinez, who opined that the Claimant would not need to reside in an assisted living facility. As one of its other significant witnesses, the District called an accident reconstructionist, James Parrish, who testified that Ms. Juettner could have avoided the accident if she had applied her brakes sufficiently.

On July 27, 2009, the jury returned a verdict in favor of the Claimant, in which it determined that the Claimant was permanently and totally disabled and that 65 percent of the responsibility should be apportioned to the District, 20 percent to Ms. Juettner (for failing to slow her vehicle and/or failing to require the Claimant to wear his seatbelt), and 15 percent to the Claimant. The jury further concluded that the Claimant sustained the following damages:

- $564,294.50 for future medical expenses.
- $9800.00 for lost earning up to age 18.
- $467,137.50 for future lost earnings.
- $324,999.90 for past pain and suffering.
- $758,333.31 for future pain and suffering.
- Total damages: $2,124,565.21.

Based on the jury's finding that the District was 65 percent responsible, final judgment was entered for the Claimant against the school board in the amount of $1,380,967.39. The school board has paid $163,000 against this award, leaving $1,217,967.39 unpaid.

A separate judgment for the Claimant's parents was entered against the District in the amount of $289,396.85, based upon an award for past medical expenses and a loss of consortium. However, during the final hearing before the undersigned, counsel for the Claimant stated that the parents are not seeking any recovery through the claim bill process.

No appeal of the final judgment was taken to the Second District Court of Appeal.

CLAIMANT'S POSITION: The Claimant contends that John Kinne, the operator of a bus owned by the District, was negligent by failing to yield to the vehicle in which he was traveling as a passenger. As a result of Mr. Kinne's negligence, the Claimant suffered permanent injuries. The Claimant further argues that:

- The jury should not have apportioned any responsibility to himself or Ms. Juettner.
- The jury erred by determining that future medical expenses totaled only $564,294.50, where the evidence established that the low range for future medical expenses was $6,222,038. Although the Claimant's counsel never provided the undersigned with a precise figure, it appears that the Claimant is requesting that Senate Bill 38 direct the District to pay, at the least, $6,222,038 for future medical expenses, $9,800 for lost earnings up to age 18, $467,137.50 for future lost earnings, $324,999.90 for past pain and suffering, and $758,333.31 for future pain and suffering. Taking into account the $163,000 the District has already paid, this would leave $7,619,308.71 unpaid. The Claimant suggests that that this sum could be payable over a ten year period.

RESPONDENT'S POSITION: The District objects to any payment to the Claimant through a claim bill. The District also contends that:

- The jury should have allocated a greater percentage of responsibility to the Claimant for failing to wear his seatbelt, and to Ms. Juettner for not taking sufficient action to avoid the collision.
- The Claimant is not deserving of the legislature's grace due to his criminal background and marijuana use, all of which preceded the accident in this cause.
- In the event the legislature determines that the passage of a claim bill is appropriate, the outstanding jury award should be payable in equal amounts over a five-year period.

CONCLUSIONS OF LAW: Mr. Kinne had a duty to operate the bus at all times with consideration for the safety of pedestrians and other drivers. Pedigo v. Smith, 395 So. 2d 615, 616 (Fla. 5th DCA 1981). Specifically, it was Mr. Kinne's duty to observe and yield to Ms. Juettner's vehicle as it approached the intersection. See

§316.123(2)(a), Fla. Stat. (2006) ("[E]very driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway"). Mr. Kinne breached this duty of care and the breach was the proximate cause of the Claimant's injuries.

The Pasco County School District, as Mr. Kinne's employer, is liable for his negligent act. Hollis v. Sch. Bd. of Leon Cnty., 384 So. 2d 661, 665 (Fla. 1st DCA 1980}"{holding that a school board is liable for any negligent act committed by a public school bus driver whom it employs, provided the act is within the scope of the driver's employment); see also Aurbach v. Gallina, 753 So. 2d 60, 62 (Fla. 2000) (holding that the dangerous instrumentality doctrine "imposes strict vicarious liability upon the owner of a motor vehicle who voluntarily entrusts that motor vehicle to an individual whose negligent operation causes damage to another").

The jury's findings regarding damages and the allocation of responsibility were reasonable and should not be disturbed. Although the undersigned does not believe that Ms. Juettner could have avoided the accident (the undersigned rejects the contrary opinion of the school board's accident reconstructionist, whose conclusions were based on the erroneous premise that the school bus was accelerating at the same rate as a passenger vehicle), Ms. Juettner was obliged to require the Claimant to wear his seatbelt. An allocation of 20 percent to Ms. Juettner for her failure to do so was appropriate.

Although the Claimant contends that the jury's award with respect to future medical expenses was against the manifest weight of the evidence, the Claimant could have pursued this issue on appeal. As discussed above, however, neither the Claimant nor the District appealed the final judgment to the Second District Court of Appeal. Accordingly, the undersigned rejects the Claimant's argument that he is entitled to a sum greater than the amount of the excess judgment.

LEGISLATIVE HISTORY: This is the first claim bill presented to the Senate in this matter.

ATTORNEYS FEES: The Claimant's attorneys have agreed to limit their fees to 25 percent of any amount awarded by the Legislature in compliance with section 768.28(8), Florida Statutes. Lobbyist's fees are included with the attorney's fees.

FISCAL IMPACT: As of June 30, 2010, the balance in the District's General Liability account was $1,189,800.85. Accordingly, the District's operations would not be adversely affected if this claim bill is approved.

COLLATERAL SOURCES: The Claimant received $100,000 from his underinsured motorist coverage, and $10,000 From Ms. Juettner's insurance carrier. At present, the Claimant is also receiving Social Security Disability Insurance.

SPECIAL ISSUES: On October 16, 2002, approximately four years prior to the accident giving rise to this matter, the Claimant was arrested for burglary of an unoccupied dwelling, a second degree felony, and petit theft, a first degree misdemeanor. With respect to both charges, The adjudication of guilt was withheld and the Claimant was placed on probation with special conditions. Based on the Claimant's age at the time (12}, as well as the underlying facts of the offense, the undersigned rejects the District's argument that these criminal charges should militate against the passage of a claim bill.

Senate Bill 38, as it is presently drafted, erroneously reads that the jury allocated 10 percent of the responsibility to the Claimant. As noted above, the Claimant was found to be 15 percent responsible. Senate Bill 38 also provides that a final judgment of $875,000 was entered for the Claimant against the District, and that a sum of $675,000 remains unpaid. Both figures are incorrect, as a final judgment of $1,380,967.39 was entered for the Claimant against the school board, $1,217,967.39 of which remains unpaid. Senate Bill 38 should be amended to reflect these corrections.

Although a special needs trust has been created for the Claimant, the bill as drafted does not specify that any funds awarded be placed in trust for the Claimant's care. Accordingly, the undersigned further recommends that the bill be amended before approval to require that such funds be held in trust.

RECOMMENDATIONS: For the reasons set forth above, the undersigned recommends that Senate Bill 38 (2011) be reported FAVORABLY, as amended.

Respectfully submitted,

Edward T. Bauer
Senate Special Master

cc: Senator Mike Fasano
R. Philip Twogood, Secretary of the Senate
Counsel of Record

By Senator Simon

3-00125-25 20258__

A bill to be entitled

An act for the relief of Marcus Button by the Pasco County School Board; providing an appropriation to compensate Marcus Button for harms and losses he sustained as a result of the negligence of an employee of the Pasco County School Board; providing an appropriation to Robin Button, as the surviving parent and natural guardian of Marcus Button, for harms and losses sustained as a result of the injury to her child, Marcus Button; providing legislative intent for the waiver of certain lien interests; providing a limitation on the payment of compensation and attorney fees; providing an effective date.

WHEREAS, on the morning of September 22, 2006, Jessica Juettner picked up then-16-year-old Marcus Button at his home to drive him to Wesley Chapel High School, where both were students, and

WHEREAS, as Ms. Juettner drove to school heading west on State Road 54 in Pasco County, Mr. Button realized he had left his wallet at home, and Ms. Juettner turned her Dodge Neon subcompact car around and headed back to his home, and

WHEREAS, as Ms. Juettner's car approached Meadow Pointe Boulevard, John E. Kinne, an employee of the Pasco County School Board, acting within the course and scope of his employment, was driving a 35-foot school bus owned by the Pasco County School Board, and pulled out in front of her, and

WHEREAS, although Ms. Juettner slammed on the brakes, her car's left front struck the bus between the wheels and continued

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

3-00125-25 20258__

under the bus, which crushed the car's left front and roof, and

WHEREAS, while Ms. Juettner suffered a knee injury and other minor injuries, Mr. Button, who was riding in the front passenger seat, sustained facial and skull fractures, brain damage, and bleeding and vision loss, and

WHEREAS, the only people on the bus were Mr. Kinne and his "relief" driver, Linda Bone, who were not seriously injured, and

WHEREAS, Mr. Button was airlifted to St. Joseph's Children's Hospital, where he spent 3 weeks recovering, and then was transferred to Tampa General Hospital for an additional 6 weeks of rehabilitation, and

WHEREAS, Mr. Button sustained severe, widespread neurologic systems damage, had to relearn how to walk and currently cannot walk for any substantial length of time without pain, lost the use of his right eye, cannot look up or down with his left eye, and suffered facial fractures that twisted and disfigured his face badly and left one side of his face higher than the other, and

WHEREAS, as a school bus operator, Mr. Kinne had the duty to drive the bus in a safe manner and in accordance with Florida law but failed to do so, and

WHEREAS, in 2007, Marcus Button's parents, Mark Button and Robin Button, sued the Pasco County School Board for the harms and losses caused by the negligence of its employee, and

WHEREAS, during the subsequent trial, a pediatric rehabilitation doctor and a neuropsychologist testified unopposed that, because of the crash injuries, Mr. Button would require 24-hour care, counseling, interventions, medical care, and medications for the remainder of his life to cope with his

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physical symptoms and to control his psychotic and delusional behavior resulting from the crash injuries, and that Mr. Button continues to suffer crash-related memory loss, has trouble sleeping, and struggles to concentrate and stay on task, and

WHEREAS, an expert economist who testified unopposed at trial estimated Mr. Button's future care would cost between $6 million and $10 million, and his inability to work would result in the loss of between $365,000 and $570,000 in wages over his lifetime, and

WHEREAS, the court allowed the school board attorneys to submit evidence and argue before the jury that Mr. Button would receive governmental benefits for future care and wages which would reduce his future care damages needs, and

WHEREAS, the jury verdict award for past and future care damages reflected the school board attorneys' arguments concerning governmental benefits, and

WHEREAS, the trial court ordered the Pasco County School Board to pay final judgments of $1,380,967.39 to Marcus Button and $289,396.85 to his parents, Mark Button, now deceased, and Robin Button, and

WHEREAS, the Pasco County School Board has paid $163,000 of the $200,000 statutory limit applicable at the time the claim arose pursuant to s. 768.28, Florida Statutes 2009, to Marcus Button and to his parents, Mark Button, now deceased, and Robin Button, as the surviving parent and natural guardian of Marcus Button, as partial compensation for the harms and losses caused by the crash, and

WHEREAS, since the judgments were entered, the Pasco County School Board did not appeal these judgments, and the parties

have agreed to a total settlement in the amount of $1.2 million to relieve, forever and completely, the Pasco County School Board of any and all further responsibility regarding the crash that occurred on September 22, 2006, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The Pasco County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant in the sum of $1 million made payable to a trust for the sole and exclusive benefit of Marcus Button as compensation for harms and losses he sustained due to the negligence of an employee of the Pasco County School Board.

Section 3. The Pasco County School Board is authorized and directed to appropriate from funds of the school board $200,000 made payable to Robin Button, as the surviving parent and natural guardian of Marcus Button, as compensation for harms and losses sustained by her and Mark Button, now deceased, for injuries to Marcus Button due to the negligence of an employee of the Pasco County School Board.

Section 4. It is the intent of the Legislature that all government liens, including Medicaid liens, resulting from the treatment and care of Marcus Button for the occurrences described in this act are waived and must be paid by the state.

Section 5. The amount paid by the Pasco County School Board pursuant to s. 768.28, Florida Statutes 2009, and the amounts

awarded under this act are intended to provide the sole compensation for all past, present, and future claims arising out of the crash that occurred on September 22, 2006, and the factual situation described in this act which resulted in injuries sustained by Marcus Button and his parents, Mark Button, now deceased, and Robin Button. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amounts awarded under this act.

Section 6. This act shall take effect upon becoming a law.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 25th, 2025

I respectfully request that **Senate Bill # 8**, relating to the Relief of Marcus Button by the Pasco County School Board, be placed on the:

☐ Committee agenda at your earliest possible convenience.

☒ Next committee agenda.

Senator Corey Simon
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/8/25	SB 8
Meeting Date	Bill Number or Topic
Committee on Rules	
Committee	Amendment Barcode (if applicable)

Name Brian Ford III

Phone (813) 928-0367

Address 112 E Jefferson St
Street

Email Brian@CorcoranPartners.com

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:
The Claimant

☐ 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

April 8, 2025
Meeting Date

Rules
Committee

SB 8
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jessica Love

Phone 850-577-9090

Address PO Box 11189
Street

Email jessica.love@gray-robinson.com

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:

District School Board of Pasco County

☐ 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

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/14/25	SM	Favorable
3/19/25	JU	Favorable
3/31/25	HP	Favorable
4/8/25	RC	Fav/CS

March 14, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 22** – Senator Rodriguez
HB 6525 – Representative Antone
Relief of Eric Miles, Jr. and Jennifer Miles by the South Broward Hospital District

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED EXCESS JUDGMENT CLAIM FOR $200,000. THE PARENTS OF E.E.M., NOW DECEASED, SEEK COMPENSATION FROM THE SOUTH BROWARD HOSPITAL DISTRICT D/B/A JOE DIMAGGIO CHILDREN'S HOSPITAL FOR ALLEGED MEDICAL MALPRACTICE COMMITTED DURING THE TREATMENT OF E.E.M.

FINDINGS OF FACT:

On December 24, 2017, E.E.M., the 17-month-old son of Eric Miles, Jr., and Jennifer Miles, was taken to the emergency department of Joe DiMaggio Children's Hospital (JDCH) in Broward County with complaints of an intermittent cough, irritability, and a decreased oral intake. He had radiographs taken and was discharged later that day. During the next 24 to 36 hours, his condition worsened, with additional symptoms of lethargy, fatigue, fever, diarrhea, and blood and mucus in his stools.

On December 26, 2017, E.E.M. returned to the emergency department of JDCH with lethargy and severe dehydration.

He was diagnosed with hypoglycemia, thrombocytopenia,[1] hepatitis, and abnormal blood clotting. His laboratory values were significantly abnormal. A perianal lesion was noted on admission. Due to having a distended abdomen, he was given an abdominal ultrasound, which indicated no inversion of one portion of the intestines within another. However, the abdominal ultrasound did indicate that there were issues with his appendix, and a clinical correlation was recommended.[2]

On December 27, 2017, E.E.M.'s distended abdomen had become tympanic, and he experienced tachycardia,[3] blood in his stool, and laboratory values that were still significantly abnormal. An abdominal X-ray taken later that day showed nonspecific gaseous bowel distension with air and stool through his large intestine.

E.E.M.'s condition worsened over the next few days, with his abdomen still distended, a perianal lesion that was worsening, and laboratory values that were still significantly abnormal.

On December 30, 2017, E.E.M. had a chest X-ray of his abdomen, which showed gaseous distension of the stomach with air identified in the abdomen. His laboratory values continued to be significantly abnormal.

On December 31, 2017, E.E.M. had a chest X-ray and babygram X-ray that both indicated gaseous gastric distension. He also had an abdominal ultrasound that showed complex fluid throughout his abdomen and pelvis and indicated that a CT scan could be performed if clinically warranted.

On January 1, 2018, the clinical record indicated that E.E.M. had not had a bowel movement in 3 days, with decreased bowel sounds and a distended abdomen.

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[1] Thrombocytopenia occurs when one's bone marrow does not make enough platelets. Cleveland Clinic, *Thrombocytopenia,* https://my.clevelandclinic.org/health/diseases/14430-thrombocytopenia (last visited Feb. 4, 2025).

[2] A clinical correlation recommendation means that findings from a test or scan should be considered together with the patient's symptoms and overall health condition. This is because sometimes what is seen in a test might not be causing any problems, or it might be more serious than it appears. Balumed, *Clinical Correlation* (Dec. 26, 2023), https://balumed.com/en/medical-dictionary/clinical-correlation.

[3] Tachycardia is a heart rate that is faster than normal, or more than 100 beats per minute at rest. Cleveland Clinic, *Tachycardia,* https://my.clevelandclinic.org/health/diseases/22108-tachycardia (last visited Feb. 4, 2025).

On January 3, 2018, E.E.M. had an X-ray with contrast which indicated that the results were "suspicious" for small bowel obstruction, and an X-ray performed an hour later indicating that the results were "highly suspicious" for a small bowel obstruction. Additionally, a CT scan of his abdomen was performed and the associated report observed a small bowel obstruction, ascites,[4] and likely peritonitis,[5] among other things.

On January 4, 2018, E.E.M. had another X-ray with contrast of his chest and abdomen which showed that the contrast liquid did not advance through the small bowel, indicating an issue with obstruction. Although his symptoms, laboratory values, radiological, and other clinical findings were consistent with an intestinal blockage or rupture, JDCH's medical staff could not fully diagnose his condition.

On January 5, 2018, JDCH transferred E.E.M. to Holtz Children's Hospital at Jackson Memorial Hospital (Holtz Children's) in Miami-Dade County for an immunological consult – not for a surgical consultation. Upon admission to Holtz Children's, he was suffering from sepsis with multiorgan failure and other life-threatening conditions. He also underwent a CT scan that showed evidence of a bowel perforation.

On January 6, 2018, only hours after admission, E.E.M. underwent several emergency procedures: an exploratory laparotomy,[6] a small bowel resection,[7] an ileostomy,[8] and a

[4] Ascites is a build up of fluid in one's abdomen causing a swollen abdomen. Cleveland Clinic, *Ascites,* https://my.clevelandclinic.org/health/diseases/14792-ascites (last visited Feb. 4, 2025).
[5] Peritonitis is inflammation in one's peritoneum, which is the tissue that lines the inside of one's abdominal cavity. Cleveland Clinic, *Peritonitis,* https://my.clevelandclinic.org/health/diseases/17831-peritonitis (last visited Feb. 4, 2025).
[6] An exploratory laparotomy is surgery to open the abdomen to find the cause of problems that testing alone could not diagnose. Saint Luke's Health System, *Exploratory Laparotomy,* https://www.saintlukeskc.org/health-library/exploratory-laparotomy (last visited Feb. 4, 2025).
[7] Small bowel resection is surgery to remove a part of one's small bowel. It is done when part of one's small bowel is blocked or diseased. Mt. Sinai Health System, *Small bowel resection,* https://www.mountsinai.org/health-library/surgery/small-bowel-resection (last visited Feb. 4, 2025).
[8] An ileostomy is an opening in the abdominal wall that is made during surgery. It is usually needed because a problem is causing the ileum (the lowest part of the small intestine) to not work properly, or a disease is affecting that part of the colon and it needs to be removed. American Cancer Society, *What Is an Ileostomy?,* https://www.cancer.org/cancer/managing-cancer/treatment-types/surgery/ostomies/ileostomy/what-is-ileostomy.html (last visited Feb. 4, 2025).

mucous transverse colostomy fistula.[9] Over the next few weeks, he had numerous other surgeries associated with small bowel obstruction.

By January 11, 2018, E.E.M. had developed abdominal compartment syndrome and was draining foul-smelling fluid from around his ostomy[10] along with elevated infectious markers. The physicians at Holtz Children's suspected he had intraabdominal abscess and pus collection. Accordingly, he was taken back into surgery, which included an exploratory laparotomy, an abdominal washout, drainage of the intraabdominal abscess, takedown of both the ostomy and a temporary closure of the abdominal wall, and a debridement and drainage of necrotic tissue in the area of the perineum and anus.

On January 13, 2018, E.E.M. had another abdominal washout and drainage of the intraabdominal abscess. He also had a reapplication of the temporary abdominal closure with a silo bag.

On January 16, 2018, E.E.M. underwent a reopening of the recent laparotomy, and another abdominal washout and temporary abdominal closure.

On January 19, 2018, E.E.M. underwent another exploratory laparotomy, abdominal washout, partial closure of the abdominal wall fascia, and application of a Gore-Tex mesh for closure of the abdominal wall.
After January 19, 2018, E.E.M. underwent more than 20 additional surgeries and procedures and was hospitalized for extended periods of time (days and months).

Ultimately, E.E.M. suffered many life-altering and horrific injuries and damages, such as significant anal dilation; kidney stones; the loss of his terminal ileum, right colon, omentum, and appendix; and later, the removal of his entire remaining

[9] A mucous fistula procedure takes place at the same time as an ileostomy. It brings a section of the large or small intestine to a surgically created opening in one's abdominal skin (a stoma). A mucous fistula is a second stoma that allows one's body to expel intestinal mucus. Cleveland Clinic, *Mucous Fistula,* https://my.clevelandclinic.org/health/treatments/22844-mucous-fistula (last visited Feb. 4, 2025).
[10] An ostomy is a surgery that creates an opening in one's abdomen, changing the way waste exits one's body. Cleveland Clinic, *Ostomy,* https://my.clevelandclinic.org/health/procedures/22496-ostomy (last visited Feb. 4, 2025).

intestine. He also missed significant developmental milestones.

On September 1, 2023, E.E.M. passed away at 7 years of age.

LITIGATION HISTORY:

On May 28, 2020, Eric Miles, Jr. and Jennifer Miles filed a medical malpractice lawsuit in the Seventeenth Judicial Circuit, in and for Broward County, case no. 20-008839, against the South Broward Hospital District (doing business as JDCH) and several other parties.

Specifically, the lawsuit alleged medical negligence claims against the South Broward Hospital District (Count 1); Kidz Medical Services, Inc. (Count 2); Aymin Delgado-Borrego, M.D. (Count 3); and Neeraj Kumar Raghunath, M.D. (Count 4). It also alleged that the South Broward Hospital District was vicariously liable for the acts of David Drucker, M.D. (Count 5), Julie Ann Long, M.D. (Count 6), Gary Birken, M.D. (Count 7), Tamar Leah Levene, M.D. (Count 8), Alejandro Cracco, M.D. (Count 9), and Morris Sasson, M.D. (Count 10). The lawsuit also alleged that Kidz Medical Services, Inc., was vicariously liable for the acts of Aymin Delgado-Borrego, M.D. (Count 11), Neeraj Kumar Raghunath, M.D. (Count 12), and Gerard Jerome Minor, P.A. (Count 13).

On May 15, 2024, Mr. and Mrs. Miles, as the co-personal representatives of E.E.M., entered into a settlement agreement with the South Broward Hospital District, together with the hospital district's insurers, agents, employees, commissioners, appointees, trustees, and attorneys, all individually and in their official capacities. The settlement agreement provides for the payment of $300,000 to Mr. and Mrs. Miles pursuant to the statutory limit under s. 768.28, F.S.; the entry of a consent judgment in the amount of $200,000; and the hospital district's agreement that it supports a claim bill in the amount of $200,000.

A claim bill hearing was held on January 28, 2025, before the House and Senate special masters. Attorney Sean Cleary appeared with his clients, claimants Mr. and Mrs. Miles, and presented their case. Jason Unger and M. Katherine Hunter, who represent the South Broward Hospital District, were also present and available for questions from the special masters.

Because the hospital district agreed that it would not oppose the claim bill, its attorneys did not present any theories, arguments, witnesses, or evidence on the hospital district's behalf. They also did not object to any portion of Mr. Cleary's presentation. Ms. Hunter stated that the hospital district supports the settlement agreement and does not oppose the claim bill, but otherwise both she and Mr. Unger were silent throughout the hearing. The hospital district has not admitted fault in this claim.

CONCLUSIONS OF LAW:

JDCH is a public, not-for-profit hospital in Hollywood, Florida, which is operated by the South Broward Hospital District. Under the legal doctrine of *respondeat superior*, the hospital district is liable for its employees' wrongful acts or medical negligence committed within the scope of their employment.

When a plaintiff seeks to recover damages for a personal injury and alleges that the injury resulted from the negligence of a health care provider, the plaintiff bears the legal burden of proving, by the greater weight of the evidence, that the alleged actions by the health care provider were a breach of the prevailing professional standard of care for that health care provider. The prevailing professional standard of care is defined in statute as "that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers."[11]

The "greater weight of the evidence" burden of proof means the more persuasive and convincing force and effect of the entire evidence in the case.[12] Put another way, if each party's evidence is placed on a balance scale, the side that dips down, even by the smallest amount, has met the burden of proof by the greater weight of the evidence.

The elements of a medical malpractice action are: (1) a duty by the physician, (2) breach of that duty, and (3) causation. Injury or damages must also be demonstrated. Florida follows the 'more likely than not' standard in proving causation, i.e., that the negligence 'probably caused' the plaintiff's injury.[13]

[11] Section 766.102(1), F.S.
[12] Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence.*
[13] *Ruiz v. Tenet Hialeah Healthsystem, Inc.,* 260 So. 3d 977, 981 (Fla. 2018).

These elements as outlined below are based upon depositions, testimony, and other information submitted both before and during the special master hearing.

Duty

A healthcare provider, acting through its employees and agents, generally has a duty to provide medical care and treatment to its patients. Such medical care and treatment must be consistent with the prevailing professional standard of care.

In this case, JDCH and its medical staff had a duty to meet the prevailing professional standard of care by properly evaluating, diagnosing, and treating E.E.M.'s small bowel obstruction.

Breach of Duty

Based upon the undisputed facts already outlined above and otherwise appearing in the record, it is evident that JDCH medical staff breached the duty of care it owed E.E.M. by failing to properly evaluate, diagnose, and treat his small bowel obstruction.

E.E.M.'s clinical presentation, signs, symptoms, laboratory values, radiology findings, and other clinical findings, which worsened daily, were all consistent with an intestinal blockage and possible intestinal rupture. However, JDCH medical staff failed to properly diagnose E.E.M. It was not until after JDCH transferred him to Holtz Children's on January 5, 2018, that he received a proper diagnosis.

Dr. Chad Thorson, the pediatric surgeon at Holtz Children's who operated on E.E.M. soon after he was transferred there, testified in his pre-trial deposition, which was submitted into evidence, that he examined E.E.M.'s abdomen and observed that it was enlarged (i.e. distended) and tympanic. He also noted that E.E.M. suffered from peritonitis, which is where any slight movement of the patient causes excruciating pain. He also suffered from a perianal lesion. Because these symptoms alone were not definitive, Dr. Thorson immediately ordered a CT scan, which revealed that E.E.M. had large amounts of air and fluid in his abdomen and fat stranding, which is an inflammatory response.

To confirm a diagnosis of intestinal blockage or intestinal rupture, Dr. Thorson performed an exploratory laparotomy on what was by then a critically ill child. Upon entering E.E.M.'s abdomen on January 6, 2018, Dr. Thorson encountered significant amounts of intra-abdominal fluid known as succus, which had escaped from four perforations in E.E.M.'s intestines. He also observed that the digestive enzymes in the succus had effectively dissolved E.E.M.'s rectum from the inside out and were the apparent cause of his perianal lesion, the existence of which had been noted in his medical records since at least December 26, 2017. E.E.M.'s omentum – a fatty intestinal covering that functions to fight infection and wrap around bowel injuries – had had sufficient time to wrap around his bowel perforations. Numerous adhesions had also formed.

Dr. Thorson testified in his deposition that the human body is not able to form these kinds of adhesions and inflammatory process within a relatively short (acute) amount of time, as in hours or a few days. Considering the amount of succus he observed in E.E.M.'s abdomen, the existence of the perianal lesion, the wrapping of intestinal perforations by the omentum, and the numerous adhesions he encountered, Dr. Thorson testified that in his medical opinion, E.E.M.'s perforations had more likely than not occurred several days or weeks before his surgery, either before he was admitted to JDCH, or while he was still a patient there.

Dr. Thane Blinman, a pediatric surgeon at the Children's Hospital of Philadelphia and an Associate Professor of Surgery at the University of Pennsylvania, was asked to review E.E.M.'s records and give his professional opinions regarding his treatment at JDCH and Holtz Children's. His pre-trial deposition was submitted into evidence.

Dr. Blinman testified that when it comes to evaluating a child for a "surgical abdomen" (an abdomen requiring emergency surgery) due to a possible bowel perforation, surgeons look for distension, evidence of obstruction like emesis (no bowel movements), inability of contrast to move through the bowel, tenderness upon palpitation, and redness or shininess of the abdomen. The record reflects that E.E.M presented with all these symptoms while admitted as a patient at JDCH.

According to Dr. Blinman, E.E.M. was already septic when he was first admitted to JDHC on December 26, 2018. There was some sort of bowel injury in progress by that time. E.E.M. had blood and mucous stool in his stool the day before. He was very likely suffering from some kind of irreversible mucosal bowel injury that needed to be confirmed via a surgical laparotomy as soon as possible to prevent further damage to his intestine. Although the surgeons at JDCH (and others including E.E.M.'s own parents, who suggested it might be appropriate) clearly considered exploratory surgery a *potential* option, they never actually recommended it or performed it.

In sum, based upon the evidence in the record, JDCH's medical staff breached the prevailing professional standard by failing to:

- Recognize the severity of E.E.M.'s clinical condition, which suggested the likelihood of bowel obstruction and perforation.
- Recognize, diagnose, and treat E.E.M.'s surgical abdomen.
- Recognize, diagnose, and treat E.E.M.'s perianal ulcer, which suggested a surgical abdomen.
- Order appropriate imaging and treatment for E.E.M., including an earlier CT scan and repeat CT scan.
- Recommend surgery, including exploratory laparotomy, on E.E.M.
- Perform an exploratory laparoscopy or an exploratory laparotomy on E.E.M.
- Transfer E.E.M. to another hospital if further treatment to address his surgical condition was not going to be provided at JDCH.

Accordingly, I find that JDCH breached its duty to provide E.E.M. medical care and treatment consistent with the prevailing professional standard of care.

Causation

Based upon the undisputed facts already outlined above and otherwise appearing in the record, it is evident that JDCH medical staff's failure to properly evaluate, diagnose, and treat E.E.M.'s condition was the direct and proximate cause of his injuries and damages.

According to Dr. Blinman, if E.E.M.'s condition had been properly evaluated, diagnosed, and treated at JDCH, he would have avoided some or even all of the surgeries and treatments he required.

On January 3, 2017, a belated CT scan of E.E.M.'s abdomen was performed at JDCH and the associated report observed small bowel obstruction, ascites, and likely peritonitis, among other things. Had the surgeons at JDCH immediately operated on E.E.M. on or before that date, E.E.M. more likely than not would have only needed the relatively small, irreversibly damaged section of his intestine removed, and an ostomy put in place, which could have been reversed at a later time. However, because the surgeons did not operate on him on or before that date, E.E.M. would later go on to lose nearly the entirety of his intestine and require over 20 additional surgeries and treatments, including placement of a Total Parenteral Nutrition (TPN) tube.[14] He would also require an intestinal transplant, for which he was preparing when he died.

Additionally, Dr. Steven N. Lichtman, an expert pediatric gastroenterologist that claimants intended to present at trial, corroborated Dr. Blinman's position in a response to interrogatories (submitted into evidence). He opined that E.E.M. was forced to undergo many additional treatments, including lengthy hospitalizations, surgeries, and the removal of his entire remaining intestine, as a direct and proximate result of JDCH medical staff's negligence, which in turn caused or contributed to his death.

Accordingly, I find that JDCH's breach of the duty of care it owed E.E.M. was the direct and proximate cause of his injuries and damages, including his death.

Injury or Damages

Based upon the undisputed facts already outlined above and otherwise appearing in the record, it is evident that JDCH's medical malpractice has caused both E.E.M. and his family an enormous amount of physical and emotional pain and suffering.

[14] A TPN is method of feeding that bypasses the gastrointestinal tract. Cleveland Clinic, *Parenteral Nutrition,* https://my.clevelandclinic.org/health/treatments/22802-parenteral-nutrition (last visited Feb. 4, 2025).

As noted earlier in this report, E.E.M. suffered many life-altering and horrific injuries and damages, including anal dilation; kidney stones; the loss of his terminal ileum, right colon, omentum, and appendix; and the removal of his entire remaining intestine. He also missed important developmental milestones. He died on September 1, 2023.

Moreover, Dr. Blinman testified that E.E.M.'s quality of life was severely impacted. For example, had E.E.M. lived beyond September 1, 2023, and received a bowel transplant (he never did), he never would have been able to eat a cheeseburger. Attending school never would have been normal. He was also unlikely to ever be on a varsity team for sports.

Dr. Blinman also testified that the total removal of E.E.M.'s intestine adversely impacted his life expectancy. Individuals lacking an intestine can develop severe liver failure from TPN feedings or die from complications with the central line. Children with a normal bowel do not have these problems. Similarly, bowel transplants in individuals needing a transplant may or may not be successful (the failure rate is very high), and if an individual's body rejects the transplant, it is often fatal.

Claimants also submitted a summary of the past and present value of future economic losses to E.E.M. based upon his life care plan. Life care plans are intended to formulate medical valuations that identify a subject's residual medical conditions and future care requirements, and they quantify the costs of those requirements in monetary terms.[15] According to Gary A. Anderson, Ph.D., an expert hired by claimants to develop the summary, due to JDCH medical staff's negligence, had E.E.M. lived beyond 18 years of age to 67 years of age, he would have lost $949,178 in earning capacity over his lifetime. And as measured from age 7 (his age at the time of his death), he would have required $75,146,544 in medical care through age 73.

Accordingly, I find that E.E.M. endured many life-altering and horrific injuries and damages, including his death, due to the

[15] Physician Life Care Planning, *Frequently Asked Questions About Life Care Plans and Life Care Planning,* https://www.physicianlcp.com/faqs/life-care-planning/ (last visited Jan. 31, 2025).

medical malpractice of JDCH's medical staff. He also would have sustained significant economic losses had he lived beyond 7 years of age.

Final Conclusion in Light of the Evidence

The greater weight of the evidence made available to the special masters indicates that Mr. and Mrs. Miles would have likely prevailed at trial in its medical malpractice claims against the South Broward Hospital District, which is vicariously liable for the acts and omissions of JDCH's medical staff.

Because the hospital district agreed in the settlement agreement that it would not oppose the claim bill, its attorneys did not present any theories, arguments, witnesses, or evidence on the hospital district's behalf at the hearing. They also did not object to any portion of the claimants' presentation. It is therefore impossible, based solely on the record developed before the special masters, to assess the merits of any potential defenses that the hospital district might have made had the matter proceeded to trial.

Although the deposition transcripts of both Drs. Thorson and Blinman indicate that E.E.M. suffered from a genetic disorder called Schwachman-Diamond Syndrome,[16] and there was some suggestion by the hospital district's attorneys that the disorder could have complicated E.E.M.'s diagnosis and treatment, that argument is not well developed in the record before the special masters.

Similarly, there is evidence in the record that E.E.M. was also suffering from severe influenza symptoms when he was admitted to JDCH. Such symptoms could have masked, to some extent, E.E.M.'s other symptoms suggesting he had a bowel obstruction (e.g. fever, fatigue, cough, and diarrhea)[17] and made it more difficult for JDCH's medical staff to diagnose and treat his small bowel obstruction. However, this argument

[16] Shwachman-Diamond Syndrome is a rare, inherited bone marrow failure, characterized by a low number of white blood cells, poor growth due to difficulty absorbing food, and, in some cases, skeletal abnormalities. Boston Children's Hospital, *Shwachman-Diamond Syndrome,* https://www.childrenshospital.org/conditions/shwachman-diamond-syndrome (last visited Feb. 3, 2025).
[17] Signs and symptoms of the flu include fever, fatigue, cough, and diarrhea, all of which E.E.M. suffered while at JDCH. Centers for Disease Control, *Signs and Symptoms of Flu* (Aug. 26, 2024), https://www.cdc.gov/flu/signs-symptoms/index.html.

is also not well developed in the record before the special masters.

Based upon the evidence made available to the special masters, and considering the costs of litigation and the uncertainty of juries, I conclude that the settlement agreement is reasonable under the circumstances.

SETTLEMENT AGREEMENT

In accordance with the terms of its settlement agreement with Mr. and Mrs. Miles, the South Broward Hospital District did not present evidence or make any arguments during the *de novo* special master hearing. However, based upon the questions asked by the hospital district's attorneys in the deposition transcripts provided by claimants, it appears that the hospital district, at least initially, intended to dispute the negligence allegations.

The parties settled this suit for $500,000, of which $300,000 has already been paid. Consistent with the settlement agreement, claimants are seeking approval from the Legislature for the difference of $200,000, which would be paid out of hospital district funds or insurance.

Should the claim bill pass, the proceeds would be distributed first to pay attorney fees of 25 percent of $200,000 ($50,000), then the remainder would go to claimants. Claimants indicated at the claim bill hearing that there are no outstanding costs to be paid.

The settlement agreement, dated April 5, 2024 and fully executed by the parties on May 15, 2024, states that neither the payments nor the negotiations for the agreement (including all statements, admissions, or communications) by the plaintiffs, defendants, or their attorneys or representatives may be considered admissions by any of said parties and that no past or present wrongdoing on the part of the defendants may be implied by such payments or negotiations. The hospital district does not oppose the claim bill.

Claimants settled their claims against defendant Kidz Medical Services, Inc. and its physicians sometime before the claim bill hearing. The terms of that settlement agreement are confidential and therefore were not disclosed in the claim bill hearing.

ATTORNEY FEES: Florida law limits the claimants' attorney fees to 25 percent of the claimants' total recovery by way of any judgment or settlement obtained pursuant to section 768.28, of the Florida Statutes. The claimants' attorney has acknowledged this limitation and verified in writing that nothing in excess of 25 percent of the gross recovery will be withheld or paid as attorney fees.

RECOMMENDATIONS: The undersigned recommends that certain factual representations in the bill be amended for accuracy; specifically, that on January 1, 2018, the clinical record indicated that E.E.M. had not had a bowel movement in 3 days (not 8 days), and that the South Broward Hospital District has paid claimants the statutory limit of $300,000 in damages under section 768.28 of the Florida Statutes.

Based upon the foregoing, the undersigned recommends that Senate Bill 22 be reported FAVORABLY.

Respectfully submitted,

Mike Collazo
Senate Special Master

cc: Secretary of the Senate

CS by Rules
The committee substitute revised the bill title to reflect that:

- The clinical record indicated that E.E.M. had not had a bowel movement in 3 days, not 8 days.
- The parties agreed to settle the matter for a total of $500,000, $300,000 of which has already been paid by the South Broward Hospital District to Mr. and Mrs. Miles under s. 768.28, F.S.
- $200,000 remains to be paid under the claim bill.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
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The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment

In title, delete lines 56 - 105
and insert:
that E.E.M. had not had a bowel movement in 3 days, with decreased bowel sounds, and a distended abdomen, and

WHEREAS, on January 3, 2018, E.E.M. had an X-ray with contrast which indicated "suspicious" for small bowel obstruction, and an X-ray performed an hour later indicated "highly suspicious" for a small bowel obstruction, and

WHEREAS, on January 4, 2018, E.E.M. had another X-ray with

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contrast of his chest and abdomen which showed that the contrast liquid did not advance through the small bowel, indicating an issue with obstruction, and

WHEREAS, although E.E.M.'s symptoms, laboratory values, and radiological and other clinical findings were consistent with an intestinal blockage or rupture, Joe DiMaggio Children's Hospital medical staff failed to appropriately evaluate and diagnose E.E.M.'s condition, and

WHEREAS, on January 5, 2018, E.E.M. was transferred to Holtz Children's Hospital at Jackson Memorial Hospital in Miami-Dade County, and

WHEREAS, upon admission at Holtz, E.E.M. was suffering from sepsis with multiorgan failure, among other life-threatening conditions, and underwent a CT scan that showed evidence of a bowel perforation, and

WHEREAS, on January 6, 2018, only hours after admission, E.E.M. underwent an exploratory laparotomy, a small bowel resection, an ileostomy, and a mucous transverse colostomy fistula, and, over the next few weeks, had numerous other surgeries associated with small bowel obstruction, and

WHEREAS, on May 28, 2020, Mr. and Mrs. Miles filed suit in the 17th Judicial Circuit, in and for Broward County, case no. 20-008839, against the South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital and other parties, alleging, in part, negligence of the district and its providers in failing to properly evaluate, diagnose, and treat E.E.M.'s small bowel obstruction, and

WHEREAS, E.E.M. suffered life-altering and horrific injuries and damages, such as significant anal dilation; kidney

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stones; the loss of his terminal ileum, right colon, omentum, appendix, and significant portions of his small intestine; and missed significant developmental milestones, and

WHEREAS, on September 1, 2023, E.E.M. passed away at 7 years of age, and

WHEREAS, in May 2024, Mr. and Mrs. Miles, as the copersonal representatives of E.E.M., and the South Broward Hospital District, d/b/a Joe DiMaggio Children’s Hospital entered into a settlement agreement for $500,000, and

WHEREAS, in accordance with s. 768.28, Florida Statutes, the South Broward Hospital District paid $300,000 to Mr. and Mrs. Miles, as copersonal representatives of E.E.M., and

WHEREAS, the settlement agreement provides for the entry of a consent judgment for the remaining amount of $200,000 and the South

By Senator Rodriguez

40-00145-25 202522__

A bill to be entitled

An act for the relief of Eric Miles, Jr., and Jennifer Miles, as copersonal representatives of their minor son, E.E.M., by the South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital; providing for an appropriation to compensate Eric Miles, Jr., and Jennifer Miles for the injuries and damages sustained by their son as a result of the negligence of the South Broward Hospital District; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on December 24, 2017, E.E.M., the 17-month-old son of Eric Miles, Jr., and Jennifer Miles, was taken to the emergency department of Joe DiMaggio Children's Hospital in Broward County with complaints of an intermittent cough, irritability, and a decreased oral intake, and

WHEREAS, E.E.M. had radiographs taken and was discharged later that day, and

WHEREAS, over the next 24 to 36 hours, E.E.M.'s condition worsened, with additional symptoms of lethargy, fatigue, fever, diarrhea, and blood and mucus in his stools, and

WHEREAS, on December 26, 2017, E.E.M. returned to the emergency department of Joe DiMaggio Children's Hospital with lethargy and severe dehydration, and

WHEREAS, E.E.M. was diagnosed with hypoglycemia, thrombocytopenia, hepatitis, and a prolonged coagulation profile, and his laboratory values were significantly abnormal, and

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Florida Senate - 2025 (NP) SB 22

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WHEREAS, that same day, due to his having a distended abdomen, E.E.M. was given an abdominal ultrasound, which indicated no inversion of one portion of the intestines within another, but did show findings involving the appendix, and clinical correlation was recommended, and

WHEREAS, on December 27, 2017, E.E.M.'s distended abdomen had become tympanic, and he experienced tachycardia, blood in his stool, and laboratory values that were still significantly abnormal, and

WHEREAS, an abdominal X-ray taken later that day showed nonspecific gaseous bowel distention with air and stool throughout the large intestine, and

WHEREAS, E.E.M.'s condition worsened over the next few days, with his abdomen still distended, a perianal lesion that was worsening, and lab values that were still significantly abnormal, and

WHEREAS, on December 30, 2017, E.E.M. had another X-ray of his abdomen, which showed gaseous distention of the stomach with air identified in the abdomen, and his laboratory values continued to be significantly abnormal, and

WHEREAS, on December 31, 2017, E.E.M. had a chest X-ray and babygram X-ray that both indicated gaseous gastric distention, as well as an abdominal ultrasound that showed complex fluid throughout the abdomen and pelvis, and that a CT scan could be performed if clinically warranted, and

WHEREAS, on January 1, 2018, the clinical record indicated that E.E.M. had not had a bowel movement in 8 days, with decreased bowel sounds, and a distended abdomen, and

WHEREAS, on January 3, 2018, E.E.M. had an X-ray with

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contrast which indicated "suspicious" for small bowel obstruction, and an X-ray performed an hour later indicated "highly suspicious" for a small bowel obstruction, and

WHEREAS, on January 4, 2018, E.E.M. had another X-ray with contrast of his chest and abdomen which showed that the contrast liquid did not advance through the small bowel, indicating an issue with obstruction, and

WHEREAS, although E.E.M.'s symptoms, laboratory values, and radiological and other clinical findings were consistent with an intestinal blockage or rupture, Joe DiMaggio Children's Hospital medical staff failed to appropriately evaluate and diagnose E.E.M.'s condition, and

WHEREAS, on January 5, 2018, E.E.M. was transferred to Holtz Children's Hospital at Jackson Memorial Hospital in Miami-Dade County, and

WHEREAS, upon admission at Holtz, E.E.M. was suffering from sepsis with multiorgan failure, among other life-threatening conditions, and underwent a CT scan that showed evidence of a bowel perforation, and

WHEREAS, on January 6, 2018, only hours after admission, E.E.M. underwent an exploratory laparotomy, a small bowel resection, an ileostomy, and a mucous transverse colostomy fistula, and, over the next few weeks, had numerous other surgeries associated with small bowel obstruction, and

WHEREAS, on May 28, 2020, Mr. and Mrs. Miles filed suit in the 17th Judicial Circuit, in and for Broward County, case no. 20-008839, against the South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital and other parties, alleging, in part, negligence of the district and its providers in failing to

properly evaluate, diagnose, and treat E.E.M.'s small bowel obstruction, and

WHEREAS, E.E.M. suffered life-altering and horrific injuries and damages, such as significant anal dilation; kidney stones; the loss of his terminal ileum, right colon, omentum, appendix, and significant portions of his small intestine; and missed significant developmental milestones, and

WHEREAS, on September 1, 2023, E.E.M. passed away at 7 years of age, and

WHEREAS, in May 2024, Mr. and Mrs. Miles, as the copersonal representatives of E.E.M., and the South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital entered into a settlement agreement, and

WHEREAS, the settlement agreement provides for the payment of $200,000, by the South Broward Hospital District to Mr. and Mrs. Miles, as copersonal representatives of E.E.M., pursuant to the statutory limit under s. 768.28, Florida Statutes; the entry of a consent judgment in the amount of $200,000; and the South Broward Hospital District's agreement that it supports a claim bill in the amount of $200,000, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The South Broward Hospital District is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of $200,000 payable to Eric Miles, Jr., and Jennifer Miles, as copersonal

representatives of E.E.M., as compensation for injuries and damages sustained.

Section 3. The amount paid by the South Broward Hospital District pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to E.E.M., Eric Miles, Jr., and Jennifer Miles. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **SB 22**, relating to Relief of Eric Miles, Jr., and Jennifer Miles by the South Broward Hospital District, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

SB 22 is a claim bill for the relief of Eric Miles, Jr., and Jennifer Miles by the South Broward Hospital District. It is a settled claim for $200,000.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

22
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Allen

Phone 561-401-2187

Address 1100 Brickell Bay Dr Apt 42E
Street

Email david.allen@gray-robinson.com

Miami FL 33131
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:
South Broward Hospital District

☐ 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

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/20/25	SM	Favorable
3/25/25	JU	Favorable
04/01/25	HP	Fav/CS
04/07/25	RC	Favorable

March 20, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 28** – Senator Martin
HB 6523 – Representative Tuck
Relief of Darline Angervil by the South Broward Hospital District

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR LOCAL FUNDS IN THE AMOUNT OF $6,100,000, PAYABLE FROM UNENCUMBERED FUNDS OF THE SOUTH BROWARD HOSPITAL DISTRICT, BASED ON A SETTLEMENT AGREEMENT BETWEEN DARLENE ANGERVIL AND THE DISTRICT. THE SETTLEMENT AGREEMENT RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENCE OF THE DISTRICT THAT CAUSED INJURIES TO MS. ANGERVIL AND HER CHILD, J.R., A MINOR.

FINDINGS OF FACT:

On January 14, 2014, Darline Angervil (then known as Darline Rocher), just over 30 weeks pregnant, was admitted to Memorial Hospital West, a hospital owned by the South Broward Hospital District (District). Ms. Angervil went to the hospital concerned about decreased fetal movement, hypertension, and headaches. Her obstetrician, Dr. Emil Abdalla, ordered continuous fetal monitoring and that her vital signs be taken at least once every two hours. Records show that her blood pressure was elevated throughout the day of January 14, including a systolic blood pressure of 160 mm or

higher on two occasions at least four hours apart. Ms. Angervil was diagnosed with preeclampsia with severe features, making this a high-risk pregnancy.

Preeclampsia is a condition that remains during the remainder of the pregnancy until the baby is delivered. The objective was to treat the mother with medications and rest, monitor the mother and baby, hoping to delay delivery until it was considered safe and prudent to deliver the baby.

Throughout the following two days, January 15 and 16, records show that Ms. Angervil continued to complain about headaches. One of these headaches, on January 16, Ms. Angervil rated 7 out of 10 on the severity scale. Nurse Melanie Wells, a District employed labor and delivery nurse, began her shift on January 16 at 7:00 p.m., and was assigned to Ms. Angervil.

At approximately 8:25 p.m. on January 16, Nurse Wells contacted Dr. Abdalla to request an order to remove the continuous electronic fetal heart rate monitor. At 8:27 p.m., Dr. Abdalla provided Nurse Wells with a telephone order to remove the electronic fetal monitor. The records and testimony provided do not show that Nurse Wells notified Dr. Abdalla of Ms. Angervil's consecutive high blood pressure readings, the fetal monitoring strip showing a prolonged deceleration some 9 minutes earlier, or the headaches when she requested the order removing the monitor.

Expert testimony provided to the Special Master opined that Nurse Wells, when requesting removal of the monitor, should have specifically mentioned to Dr. Abdalla that the patient had complained of a headache off and on throughout the afternoon hours requiring treatment; that the fetal monitoring had exhibited prolonged decelerations; and that the blood pressures were trending up. The expert testimony concluded that Nurse Wells should have advocated to continue fetal monitoring rather than for the monitor to be removed.

That evening, Ms. Angervil continued to have consecutive abnormal blood pressure readings at 8:29 p.m. (149/89), 9:07 p.m. (153/90), 9:24 p.m. (159/91), and 10:33 p.m. (156/89). Nurse Wells did not put the fetal monitor back on Ms. Angervil or notify Dr. Abdalla of the continuing high blood pressure

readings. Blood pressure readings were not recorded after the 10:33 p.m. reading until 2:00 a.m. on January 17.

At 2:24 a.m. on January 17, Ms. Angervil called for the nurse complaining of headache, chest pain, and difficulty breathing. Nurse Wells initiated oxygen and checked Ms. Angervil's vital signs. At this time, J.R. was not being monitored. At 2.26 a.m., Ms. Angervil's blood pressure reading was dangerously high (194/104). A similar blood pressure reading at 2:28 a.m. (197/101) confirmed a hypertensive crisis. Additional extremely high blood pressure readings were recorded at 2:32 a.m. (196/102) and 2:37 a.m. (194/104). At 2:40 a.m., Nurse Wells called Dr. Abdalla's nurse midwife, despite directions that Dr. Abdalla was to be called directly, if needed. The nurse midwife told Nurse Wells she needed to call Dr. Abdalla. At 2:43 a.m., Nurse Wells contacted Dr. Abdalla, which call lasted four minutes. On the call, Dr. Abdalla ordered the administration of Hydralazine to lower Ms. Angervil's blood pressure, and at 2:54 a.m., records show the Hydralazine was administered.

After the call with Dr. Abdalla, Nurse Wells attempted to find fetal heart tones but was unable to do so. At 2:54 a.m., due to the difficulty in finding fetal heart tones, the nurse manager contacted an OB/GYN who was working on the floor, Dr. Gazon, to assist in detecting fetal heart tones with an ultrasound machine. At 2:56 a.m., critically low fetal heart tones were observed, whereby Dr. Gazon ordered an emergency cesarean section. Dr. Abdalla arrived at the Hospital and began the cesarean section at 3:05 a.m.

J.R. was delivered at 3:17 a.m. with an extremely low Apgar score of 0-1-3.[1] J.R. was noted to be flaccid (totally limp), cyanotic (bluish or purplish discoloration of the skin due to low blood oxygen levels), apneic (not breathing), and asystolic (no heart rate), essentially lifeless, resulting in emergency neonatal resuscitation. Within the first day, J.R. was transferred from Memorial West Hospital to Joe DiMaggio Children's Hospital for a higher level of care. J.R.'s birth, resuscitation, and subsequent course of neonatal treatment are consistent with a hypoxic injury around the time of delivery, and her medical records include numerous

[1] The Apgar score is a standardized assessment of a neonate's status immediately after birth and the response to resuscitation efforts. National Institute of Health, https://www.ncbi.nlm.nih.gov/books/NBK470569/ (visited February 12, 2025).

references to her "Birth-related hypoxia." J.R.'s treating physicians provided assessment notes describing the profound nature of J.R.'s catastrophic injuries and constant needs.

Brain ultrasound scans taken over a five-week period demonstrate that the injury to J.R. occurred at or near the time of her birth. According to expert testimony provided by neuroradiologist, Dr. Jerome Barakos, the brain ultrasound scan taken on:

- The afternoon of her birth, January 17, 2014, showed normal echogenicity throughout the brain without any abnormal findings for a premature infant;
- January 24, 2014, showed a characteristic injury to J.R.'s brain, which had not evolved to the point of being identifiable on that first scan; that at this point there had been enough time for the brain changes of injury to occur;
- February 24, 2014, showed a loss of brain volume, proving that there was damage so great, demonstrating atrophy.

Further testimony provided by Dr. Barakos opined that the course of a day or two is needed before the brain cells actually start changing shape and falling apart such that an injury of this type will show in a brain ultrasound scan. He stated that when these changes on the scan take at least a day or two before you can see those changes, the brain injury happened very close to the time of the first scan; that if the injury happened days before J.R.'s birth, the injury would have shown on the first scan.

LITIGATION HISTORY:

On March 7, 2016, Claimant filed a lawsuit against the District, Dr. Abdalla and his employer, and neonatologist Dr. Vicki Johnston and her nurse practitioner and their employer. In 2020, the claims against all the defendants except the District were settled. In September of 2022, the case proceeded to trial against just the District. After a six week trial, the jury was unable to reach a verdict and a mistrial was declared.

The second trial against the District began in October of 2023. During the second week of this trial, shortly after the Claimant rested their case, the parties reached a settlement. Pursuant to the settlement agreement, the District agreed to the entry of a consent judgment of $6.4 million, which was entered on September 6, 2024. The terms of the agreement required the District to pay the sovereign immunity limits of $300,000, with

the remaining $6.1 million balance to be paid upon the passage of a claim bill.

RESPONDENT'S POSITION: The District admits there was a deviation from the standard of care by the District related to the failure to monitor the fetal status of J.R. in a timely and adequate manner and the failure to notify the attending physician of Ms. Angervil's changes in status in a timely manner that caused a neurological injury to J.R. The District has agreed to support the claim bill.

CONCLUSIONS OF LAW: The claim bill hearing held on January 9, 2025, was a *de novo* proceeding to determine whether the District is liable in negligence for damages it may have caused to the Claimant and J.R., and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, limits the damages a claimant can collect from government entities as a result of its negligence or the negligence of its employees to $200,000 for one individual and $300,000 for all claims or judgments arising out of the same incident. Damages in excess of this limit may only be paid upon approval of a claim bill by the Legislature. Thus, the Claimant will not receive the full amount of the settlement unless the Legislature approves a claim bill authorizing additional payment.

Every claim bill must be based on facts sufficient to meet the "greater weight of the evidence" standard. The "greater weight of the evidence" burden of proof "means the more persuasive and convincing force and effect of the entire evidence in the case."[2] With respect to this claim bill, the Claimant proved that the District had a duty to the Claimant, the District breached that duty, and that the breach caused the Claimant's injuries and resulting damages.

Negligence
Negligence is "the failure to use reasonable care, which is the care that a reasonably careful person would use under

[2] Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

like circumstances";[3] and "a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred."[4]

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.[5]

In this matter, the District's liability depends on whether the District's employee, Nurse Wells, violated the applicable standard of care during her shift that began on January 16, 2014, and whether this breach caused the resulting injuries to Ms. Angervil and J.R.

Duty

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.[6] A health care provider generally has a duty when providing health care services, to provide such services in a non-negligent manner. This duty is known as the "standard of care." Section 766.102(1), of the Florida Statutes, establishes that the prevailing professional standard of care in a medical malpractice claim against a health care provider is "that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers." The standard of care in medical malpractice cases is determined through consideration of expert testimony.[7]

Under the doctrine of *respondeat superior*, an employer is liable for acts of employees performed within the course of

[3] Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.
[4] Fla. Std. Jury Instr. (Civ.), 401.12(a) - *Legal Cause, Generally*.
[5] *Williams v. Davis*, 974 So. 2d 1052, 1056 (Fla. 2007). *See also* Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.
[6] *McCain v. Fla. Power Corp*., 593 So. 2d 500, 503 n. 2 (Fla. 1992).
[7] *Pate v. Threlkel*, 661 So. 2d 278, 281 (Fla. 1995).

their employment.[8] In this matter, the District, and its employee, Nurse Wells, had a duty to provide its services in a non-negligent manner.

Breach
A preponderance of the evidence establishes that the District breached its duties by failing to render its services in a non-negligent manner by not continually monitoring the fetal heart tones during the evening of January 16, 2014, and into the early morning of January 17, 2014, as well as by failing to notify the attending physician of Ms. Angervil's changes in status in a timely manner. These failures led to the delay in the emergency delivery of J.R.

Causation
In order to prove negligence, the Claimant must show that the breach of duty caused the specific injury or damage to the plaintiff.[9] Proximate cause is generally concerned with "whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred."[10] To prove proximate cause, the Claimant generally must submit evidence that there is a sequence between the District's negligence and the Claimant's injuries such that it can be reasonably said that but for the District's negligence, the injuries would not have occurred.

In this matter, the injuries suffered by J.R. were the direct and proximate result of the District's failure to fulfill its duties in a non-negligent manner. Expert testimony showed that had the fetal heart tones been monitored continually:

- It would have shown sooner that J.R. was in fetal distress.
- That the cesarean section would have been performed sooner.
- That J.R. would have been delivered before the oxygen deprivation could have caused her neurological injuries.

Damages
J.R.'s birth-related medical record is consistent with a hypoxic injury around the time of delivery, and her medical records are replete with discussions of her "birth-related hypoxia" (oxygen deprivation at birth). The Claimant has established that J.R.

[8] *Dieas v. Associates Loan Co.,* 99 So. 2d 279, 280-281 (Fla. 1957); *Stinson v. Prevatt*, 94 So. 656, 657 (Fla. 1922).
[9] *Stahl v. Metro Dade Cnty.*, 438 So. 2d 14 (Fla. 3rd DCA 1983).
[10] *Dept. of Children and Family Svcs. v. Amora*, 944 So. 2d 431, 435 (Fla. 4th DCA 2006).

suffered irreversible neurological injuries during labor and delivery due to lack of oxygen. The challenges and disabilities that she now faces are consistent with, and caused by, the birth injury that she experienced. J.R. is expected to live into her fifties.

The record demonstrates that the nature of J.R.'s injuries and constant needs resulting from her injuries at birth includes mixed quadriparetic cerebral palsy related to hypoxic ischemic encephalopathy, global profound developmental delay, periventricular leukomalacia, constipation, dysphagia, failure to thrive, gastrostomy tube placement, seizure disorder, esophagitis, dystonia and dyskinesias, and impairment of mobility and communication/cognition.

According to J.R.'s doctors, as well as Respondent's own medical evaluations, she will require care of a licensed practical nurse 24 hours a day and continued highly specialized medical care which include physicians, nursing, physical therapy, occupational therapy, speech therapy, orthotists, durable medical equipment, supplies, and surgeries. J.R. is tube-fed and will remain severely cognitively impaired with seizure disorder, nonambulatory, and totally dependent for all activities of daily living.

A Life Care Plan was created for J.R. to determine the needs she has as a direct consequence of the injuries. Raffa Consulting Economists, Inc., created a report based on the Life Care Plan that estimated the present value of the combined economic loss over J.R.'s life for lost wages, medical, educational and support services, as well as ancillary services of transportation, housing and personal items, is between $26,741,930 and $27,570,135. This amount does not include any non-economic damages for J.R., nor any loss, economic or noneconomic, to Ms. Angervil.

The Claimant's attorney asked the jury for a verdict of approximately $45 million in the first trial of this case. It is possible that the jury in the second trial could have found the District 100% at fault and liable for the $45 million award. The Guardian ad Litem appointed by the court for J.R. fully supports the settlement and believes it constitutes an excellent recovery for J.R. and her mother. It is the Guardian's recommendation the settlement, as well as the Claimant's

proposed allocation, be approved as it is in the best interest of J.R.

Should the full amount of the claim bill be awarded, the Claimant proposes the following allocations:

Attorney and Lobbyist Fees (25%)	$1,525,000
Costs[11]	690,107
Medicaid and Health Liens	156,497
J.R. Special Needs Trust	3,000,000
Darline Angervil	728,396
	$6,100,000

As a result of the consent agreement entered by the parties and by the court, the District has paid $300,000 (the maximum allowed under the state's sovereign immunity waiver) with the remaining $6.1 million to be paid if this claim bill is passed by the Legislature and becomes law. The District has an insurance policy that will pay the amount awarded over $2 million.

Based upon the arguments and documents provided before, during, and after the special master hearing, the undersigned believes that the settlement, and the Claimant's proposed allocation, represent a proper and fair agreement.

COLLATERAL SOURCES OF RECOVERY:

The original lawsuit in this matter included as defendants Dr. Abdalla and his employer, and neonatologist Dr. Vicki Johnston and her nurse practitioner and their employer. In 2020, the claims against these defendants were settled for $6,500,000. Of funds paid from this Court-approved settlement with the other defendants, $2,000,000 was placed in a Special Needs Trust for J.R.; $1,150,000 was used to purchase a Structured Settlement for J.R.; $186,919 went to Darline Angervil; and $699,234 was held in trust to partially resolve medical liens ($419,260 in lien reductions from negotiations were distributed to Ms. Angervil).

ATTORNEY FEES:

Attorney fees may not exceed 25 percent of the amount awarded.[12] The Claimant's attorney has agreed to limit attorney and lobbying fees to 25 percent of any amount awarded by the Legislature.

[11] This amount reflects the current costs prior to the Special Master hearing. Claimant's attorneys have agreed to absorb the additional costs incurred for the hearing and going forward from the Claimant's attorney's fees.
[12] *See* s. 768.28(8), F.S.

RECOMMENDATIONS:

Recommended Amendments
Lines 140–144 of the claim bill should be amended to reflect the allocation of the award between J.R. and Darline Angervil, with the funds going to J.R. directly paid to the Special Needs Trust created for her benefit.

Recommendation on the Merits
The greater weight of the evidence in this matter demonstrates that the negligence of the District's employee was the legal proximate cause of the injuries and damages suffered by J.R. and her mother, Darline Angervil. The damage award agreed upon by the parties is well within the actual damages suffered by J.R. and Ms. Angervil.

Accordingly, I recommend that SB 28 be reported FAVORABLY, with recommended amendments, in the amount $6.1 million, with the portion of funds allocated for the benefit of J.R. being paid into a Special Needs trust established for J.R.

Respectfully submitted,

Tom Thomas
Senate Special Master

cc: Secretary of the Senate

CS by Health Policy:
The committee substitute allocates the funds between J.R. and her mother, Darline Angervil, as recommended by the Claimant's attorneys and approved by J.R.'s Guardian ad Litem. The amendment provides that $3.1 million is payable to Darline Angervil and $3.0 million is payable to an irrevocable trust created for the exclusive use and benefit of J.R.

By the Committee on Health Policy; and Senator Martin

588-03139-25 202528c1

A bill to be entitled

An act for the relief of Darline Angervil and J.R., a minor, by the South Broward Hospital District; providing an appropriation to compensate Darline Angervil, individually and as parent and natural legal guardian of J.R., and J.R. for injuries and damages sustained as a result of negligence of the South Broward Hospital District; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on the afternoon of January 14, 2014, Darline Angervil, then known as Darline Rocher, was admitted to Memorial Hospital West, operated by the South Broward Hospital District, when she was 30.3 weeks pregnant, with complaints of decreased fetal movement, pregnancy-induced hypertension, and headaches, and

WHEREAS, due to Ms. Angervil's presenting conditions and complaints, Dr. Emil Abdalla, Ms. Angervil's obstetrician, ordered continuous monitoring of the fetal heart rate and rhythm and entered an order that Ms. Angervil's vital signs be taken at least every 2 hours, and

WHEREAS, Ms. Angervil's vital sign flowsheets showed elevated blood pressure levels throughout the afternoon and evening hours of January 14, including a systolic blood pressure of 160 mm Hg or higher on at least two occasions at least 4 hours apart while resting in bed, indicating preeclampsia with severe features, and

WHEREAS, the only way to treat preeclampsia is to deliver

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the baby, and, therefore, the patient and baby must be monitored regularly until it is safe and prudent to deliver, and

WHEREAS, at 2 a.m. on January 15, due to the diagnosis of preeclampsia, magnesium sulfate was ordered for neuro protection, which also secondarily stabilized Ms. Angervil's blood pressure, and

WHEREAS, Ms. Angervil's medical records for January 15 include complaints of headache and the results from a 24-hour urine protein analysis showing 743 mg, both of which are consistent with preeclampsia, and

WHEREAS, at 9:34 a.m. on January 16, an order was entered to discontinue the magnesium sulfate, and shortly thereafter Ms. Angervil's blood pressure began to rise, and

WHEREAS, Ms. Angervil continued to complain of headache during the day shift on January 16, including a 4:01 p.m. complaint of a headache that she rated 7 out of 10 on the severity scale, and at 5:30 p.m., Ms. Angervil's vital sign flowsheets began to show abnormal blood pressure readings, and

WHEREAS, at 7 p.m. on January 16, Ms. Melanie Wells, a nurse employed by the South Broward Hospital District in the Labor and Delivery Department at Memorial Hospital West, began her shift and was assigned to Ms. Angervil, who continued to complain of headache, and

WHEREAS, at approximately 8:25 p.m. on January 16, as Ms. Angervil continued to complain of headache at shift change, maintained consecutive abnormal blood pressure readings, and had an electronic fetal monitoring strip showing a prolonged deceleration some 9 minutes earlier, Ms. Wells contacted Dr. Abdalla to request an order to remove the continuous electronic

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fetal monitor, and

WHEREAS, at 8:27 p.m., Dr. Abdalla entered the order to remove the continuous electronic fetal monitor, and Ms. Angervil continued to have consecutive abnormal blood pressure readings at 8:29, 9:07, 9:24, and 10:33 p.m.; however, Ms. Wells did not replace the electronic fetal monitor on Ms. Angervil, and

WHEREAS, shortly before 2:24 a.m. on January 17, Ms. Angervil contacted her nurse, complaining of headache, chest pain, and difficulty breathing, at which time Ms. Wells initiated oxygen and checked Ms. Angervil's vital signs, and

WHEREAS, at 2:26 a.m., Ms. Angervil's blood pressure reading was dangerously high, a second blood pressure reading at 2:28 a.m. confirmed a hypertensive crisis, and additional consecutive extremely high blood pressure readings were recorded at 2:32, 2:37, and 2:40 a.m., and

WHEREAS, at 2:43 a.m., 17 minutes after the initial spike in blood pressure, and with no record of performance of any fetal assessment, Ms. Wells contacted Dr. Abdalla, and at 2:50 a.m., Dr. Abdalla ordered the administration of hydralazine to lower Ms. Angervil's blood pressure, at which time Ms. Wells attempted to find fetal heart tones but was unable to do so, and

WHEREAS, due to the difficulty in finding fetal heart tones, at 2:54 a.m., the nurse manager contacted another OB/GYN who was working on the floor to assist in detecting fetal heart tones with an ultrasound machine, and at 2:56 a.m., critically low heart tones were visualized, resulting in the need for an emergency cesarean section, and

WHEREAS, at 2:59 a.m., Ms. Wells contacted Dr. Abdalla to address the difficulty in finding fetal heart tones, at which

time Dr. Abdalla advised he was on his way to the hospital to perform an emergency cesarean section, and medical records reflect that the cesarean section began at 3:05 a.m., with delivery at 3:17 a.m. by Dr. Abdalla, and

WHEREAS, the delivery note completed by Ms. Wells documented delivery at 3:17 a.m. of a 2 pound, 5.2 ounce female, J.R., with an Apgar score of 0-1-3, who at delivery was noted to be flaccid, cyanotic, apneic, and asystolic, essentially lifeless, and

WHEREAS, neonatal resuscitation was led by ARNP Donna Durham, a blue alert code was called at 3:19 a.m., and Ms. Durham initiated chest compressions with bag mask ventilation, and

WHEREAS, J.R.'s birth record, resuscitation, and subsequent course of NICU treatment are entirely consistent with a hypoxic injury around the time of delivery, and her medical records are replete with discussions of her "birth-related hypoxia," and

WHEREAS, J.R.'s treating physicians provided assessment notes describing the profound nature of J.R.'s catastrophic injuries and constant needs, including mixed quadriparetic cerebral palsy related to hypoxic ischemic encephalopathy, global profound developmental delay, periventricular leukomalacia, constipation, dysphagia, failure to thrive, gastrostomy tube placement, seizure disorder, esophagitis, dystonia and dyskinesias, and impairment of mobility and impairment of communication/cognition, resulting in her need for nursing care 24 hours a day, and

WHEREAS, on March 7, 2016, Ms. Angervil, individually and as parent and natural guardian of J.R., a minor, filed a legal

action in the Circuit Court for the 17th Judicial Circuit, in and for Broward County, under case number 2016-CA-4209, against the South Broward Hospital District, Dr. Abdalla and his employer, and neonatologist Dr. Vicki Johnston and her ARNP and their employer, alleging, in part, negligence of the district in failing to meet the standard of care for the monitoring, the evaluation of both Ms. Angervil and J.R., and the timely notification of medical specialists regarding the change in Ms. Angervil's medical condition, and

WHEREAS, Ms. Angervil and the South Broward Hospital District agreed to a consent judgment entered into on or about October 19, 2023, for $6.4 million, in which the district agreed to pay Ms. Angervil $300,000 pursuant to the statutory limit imposed under s. 768.28, Florida Statutes, leaving a balance of $6.1 million, and

WHEREAS, the South Broward Hospital District has agreed to support this claim bill for the remaining $6.1 million, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The South Broward Hospital District is authorized and directed to appropriate from funds not otherwise encumbered and to:

(1) Draw a warrant in the sum of $3.1 million payable to Darline Angervil as compensation for injuries and damages sustained; and

(2) Draw a warrant in the sum of $3 million payable to an irrevocable trust created for the exclusive use and benefit of J.R. as compensation for injuries and damages sustained.

Section 3. The amount paid by the South Broward Hospital District pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Darline Angervil, individually and as parent and natural legal guardian of J.R. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

28
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Allen

Phone 561-401-2187

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Street

Email david.allen@gray-robinson.com

Miami FL 33131
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:
South Broward Hospital District

☐ 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

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 44
INTRODUCER:	Rules Committee; Transportation Committee and Senator Rodriguez
SUBJECT:	Motor Vehicles
DATE:	April 8, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Fav/CS**
2.	Parker	Stokes	CJ	**Favorable**
3.	Shutes	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 44 increases the penalty for the offense of operating an unauthorized vehicle with a red or blue light visible from the front of the vehicle and stopping or attempting to stop (commonly referred to as "pulling over") another vehicle from a first degree misdemeanor to a third degree felony.

The bill increases the penalty for knowingly using a license plate obscuring device or applying a substance, device, covering, etc., that affects the legibility, angular visibility, or detectability of a license plate or interferes with the ability to record any feature on a license plate from a noncriminal traffic infraction to a second degree misdemeanor.

The bill creates s. 320.262, F.S., which defines the term "license plate obscuring device" and provides penalties for the purchase, possession, manufacture, and sale of a license plate obscuring device. The bill provides a person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. In addition, such person is subject to enhanced penalties for the underlying offense.

The bill has an indeterminate fiscal impact. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2025.

II. Present Situation:

Authorized Emergency Vehicles

Florida law defines the following as "authorized emergency vehicles":

- Vehicles of the fire department or fire patrol;
- Police vehicles;
- Organ transport vehicles;
- Ambulances; and
- Emergency vehicles operated by:
  - Municipal and county departments;
  - Volunteer ambulance services;
  - Public service corporations operated by private corporations;
  - The Fish and Wildlife Conservation Commission;
  - The Department of Environmental Protection;
  - The Department of Transportation;
  - The Department of Agriculture and Consumer Services; and
  - The Department of Corrections.[1]

Section 316.2397, F.S., allows authorized emergency vehicles to display a red, red and white, or blue light visible from directly in front of the vehicle.

Section 843.081, F.S., provides legislative intent indicating that Florida citizens are vulnerable to becoming the victims of criminal acts through the illegal use of blue lights by the criminal elements, and that the Legislature intends to reduce this vulnerability to injury and loss of life and property by prohibiting the use of certain blue lights by any person other than an authorized law enforcement officer.

Certain Lights Prohibited

A person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles as provided in s. 316.2397, F.S.[2] A violation of this provision is a noncriminal traffic infraction, punishable as a nonmoving violation.[3] The statutory base fine is $30, but with additional fees and court costs, the total fine may be up to $108.[4]

A person operating a vehicle in violation of the prohibition on the use of red and blue lights, who stops or attempts to stop another vehicle commits a first degree misdemeanor, punishable as provided in ss. 775.082, or s. 775.083, F.S.[5]

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[1] Section 316.003(1),F S.
[2] Section 316.2397(1), F.S.
[3] Section 316.2397(10)(b), F.S.
[4] Florida Association of Clerks of Court, *2023 Distribution Schedule,* p, 39. https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 27, 2025).
[5] A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a $1,000 fine.

In 2023, according to the Department of Highway Safety and Motor Vehicles (DHSMV) uniform traffic citation database, there were 3,449 violations related to prohibited use of lights on vehicles. [6]

Altering Motor Vehicle Registration Certificates and License Plates

Section 320.061, F.S., prohibits altering the original appearance of any motor vehicle registration certificate, license plate, temporary license plate, mobile home sticker or validation sticker used for and assigned to a motor vehicle or a mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. Similarly, a person may not apply or attach a substance, reflective matter, illuminated device, spray, coating, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate. A violation of this provision is a noncriminal traffic infraction punishable as a moving violation as provided in ch. 318, F.S.[7] The statutory base fine is $60, but with additional fees and court costs, the total fine may be up to $158. [8]

In 2023, according to the DHSMV uniform traffic citation database, there were 2,927 violations related to obscuring a license plate. [9]

Attaching Unassigned License Plates

Section 320.261, F.S., provides that any person who knowingly attaches to any motor vehicle or mobile home any registration license plate, or who knowingly attaches any validation sticker or mobile home sticker to a registration license plate, which plate or sticker was not issued and assigned or lawfully transferred to such vehicle, is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.[10]

III. Effect of Proposed Changes:

The bill amends s. 316.2397, F.S., to increase the penalty associated with an unauthorized person stopping or attempting to stop (commonly referred to as "pulling over") another vehicle using red or blue lights. The bill increases the penalty from a first degree misdemeanor to a third degree felony.

The bill also amends s. 320.061, F.S., to provide that any person who knowingly uses a license plate obscuring device or applies or attaches a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around the license plate, which would interfere with the legibility, angular visibility, or detectability of any details of the plate, commits a second degree misdemeanor. The penalty for altering the appearance of a license plate would remain a noncriminal infraction, punishable as a moving violation.

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[6] DHSMV, *Annual Uniform Traffic Citation Report Database*, https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport (last visited March 27, 2025)
[7] Section 320.061, F.S.
[8] Florida Association of Clerks of Court, *2023 Distribution Schedule*, p, 42. https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 27, 2025).
[9] *Id.* at 2.
[10] A second degree misdemeanor is punishable by a definite term of imprisonment not exceeding 60 days and a $500 fine.

The bill creates s. 320.262, F.S., prohibiting license plate obscuring devices, and providing for enhanced penalties for certain license plate-related offenses.

The bill defines the term "license plate obscuring device" as a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle for the purpose of:

- Switching between two or more license plates to permit a motor vehicle operator to change the license plate displayed on the motor vehicle;
- Hiding a license plate from view by flipping the license plate so that the license plate number is not visible;
- Covering, obscuring, or otherwise interfering with the legibility, angular visibility, or detachability of the primary features or details, including the license plate number or validation sticker, on the license plate; or
- Interfering with the ability to record the primary features or details, including the license plate number or validation sticker, on the license plate.

Any person who purchases or possesses a license plate obscuring device, commits a second degree misdemeanor. Any person who manufactures, sells, offers to sell, or otherwise distributes a license plate obscuring device, commits a first degree misdemeanor.

The bill also provides that any person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. Additionally, such person is subject to enhanced penalties for the other crime as follows:

- A misdemeanor of the second degree shall be punished as if it were a misdemeanor of the first degree.
- A misdemeanor of the first degree shall be punished as if it were a felony of the third degree.
- A felony of the third degree shall be punished as if it were a felony of the second degree.
- A felony of the second degree shall be punished as if it were a felony of the first degree.
- A felony of the first degree shall be punished as if it were a life felony.

This bill takes effect October 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 may have a positive indeterminate fiscal impact. Both local and state governments will realize an indeterminate increase in revenue associated with the increased penalties provided for in the bill.

The bill may have an indeterminate fiscal impact on the Department of Corrections due to the increase in penalties which may result in an increase in beds.

The Department of Highway and Motor Vehicles indicated that the bill will require electronic ticket systems to be updated and law enforcement officers will need to be educated regarding the provisions of the bill.[11]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 316.2397 and 320.061 of the Florida Statutes.
This bill creates section 320.262 of the Florida Statutes.

[11] Department of Highway Safety and Motor Vehicles, Agency Analysis of 2025 Senate Bill 44, p. 3, December 4, 2024. (On file with the Senate Committee on Transportation)

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 April 8, 2025:
The committee substitute provides additional specificity relating to the definition and operation of a license plate obscuring device.

CS by Transportation on March 4, 2025:
- Provides that any person who knowingly uses a license plate obscuring device or otherwise interferes with the legibility, angular visibility, or detectability of any feature on the license plate commits a second degree misdemeanor.
- Defines the term "license plate obscuring device" and provides penalties for the purchase/possession and manufacture/sale of a license plate obscuring device.
- Provides a person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. Additionally, such person is subject to certain enhanced penalties for the other crime.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment

Delete lines 83 - 93
and insert:
for the purpose of:
(a) Switching between two or more license plates to permit a motor vehicle operator to change the license plate displayed on the motor vehicle;
(b) Hiding a license plate from view by flipping the license plate so that the license plate number is not visible;
(c) Covering, obscuring, or otherwise interfering with the

852894

legibility, angular visibility, or detectability of the primary features or details, including the license plate number or validation sticker, on the license plate; or

(d) Interfering with the ability to record the primary features or details, including the license plate number or validation sticker, on the license plate.

By the Committee on Transportation; and Senator Rodriguez

596-02131-25 202544c1

A bill to be entitled

An act relating to motor vehicles; amending s. 316.2397, F.S.; reclassifying the offense of driving, moving, or causing to be moved a vehicle or equipment with certain lighting on a highway as a third degree felony; amending s. 320.061, F.S.; prohibiting a person from knowingly using a license plate obscuring device; providing criminal penalties; reclassifying the offense of interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to record any feature on a license plate as a misdemeanor of the second degree; creating s. 320.262, F.S.; defining the term "license plate obscuring device"; prohibiting the purchase, possession, manufacture, sale, offering for sale, or distribution of a license plate obscuring device; providing criminal penalties; providing criminal penalties for using a license plate obscuring device, knowingly attaching to a motor vehicle a license plate that was not assigned or transferred to the motor vehicle, altering the original appearance of a license plate, or interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate during the commission of a crime; providing criminal penalty enhancements for a crime committed while using a license plate obscuring device, knowingly attaching to a motor vehicle a license plate that was not assigned or transferred to

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

596-02131-25 202544c1

the motor vehicle, altering the original appearance of a license plate, or interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate; providing an effective date.

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

Section 1. Paragraph (a) of subsection (10) of section 316.2397, Florida Statutes, is amended, and subsection (1) of that section is republished, to read:

316.2397 Certain lights prohibited; exceptions.—

(1) A person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles provided in this section.

(10)(a) A person who violates subsection (1) and in so doing effects or attempts to effect a stop of another vehicle commits a felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, license plates, temporary license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—A person may not alter the original appearance of a vehicle registration certificate, license plate, temporary license plate, mobile home sticker, or validation sticker issued

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

for and assigned to a motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. A person who makes such alteration commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318. A person may not knowingly use a license plate obscuring device as defined in s. 320.262(1) or apply or attach a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate. A person who so interferes with a license plate commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 ~~violates this section commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318~~.

Section 3. Section 320.262, Florida Statutes, is created to read:

320.262 License plate obscuring device prohibited; penalties; enhanced penalties for license plate offenses.—

(1) For purposes of this section, the term "license plate obscuring device" means a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle which:

(a) Switches between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the motor vehicle;

(b) Hides a license plate from view by flipping the license

plate so that the license plate number is not visible;

(c) Covers, obscures, or otherwise interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate; or

(d) Interferes with the ability to record any feature or detail on the license plate.

(2) A person may not purchase or possess a license plate obscuring device. A person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person may not manufacture, sell, offer to sell, or otherwise distribute a license plate obscuring device. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4)(a) A person who, during the commission of any other crime, knowingly violates s. 320.061 or s. 320.261 commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who violates paragraph (a) is subject to enhanced penalties for the other crime as follows:

1. A misdemeanor of the second degree shall be punished as if it were a misdemeanor of the first degree.

2. A misdemeanor of the first degree shall be punished as if it were a felony of the third degree.

3. A felony of the third degree shall be punished as if it were a felony of the second degree.

4. A felony of the second degree shall be punished as if it were a felony of the first degree.

5. A felony of the first degree shall be punished as if it

were a life felony.

Section 4. This act shall take effect October 1, 2025.

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **CS/SB 44**, relating to Motor Vehicles, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senate Bill 44 strengthens penalties for those using unauthorized lights or tampering with license plates, enhancing public safety and supporting law enforcement.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/8/25
Meeting Date

RULES
Committee

44
Bill Number or Topic

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST.
Street

Email WSMITH@FLPBA.ORG

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. 2020-2022JointRules.pdf (flsenate.gov)

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

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APPEARANCE RECORD

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04/08/2025
Meeting Date

Rules
Committee

44
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lauren Jackson

Phone 931-265-8999

Address 205 S. Adams St.
Street

Email lauren@ericksconsultants.com

Tallahassee | Florida | 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:
Seminole County 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)

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

S-001 (08/10/2021)

Card received after public
appearance completed
on bill

4/8/2025
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 44
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson Volusia Sheriff's Office Phone (386) 214-3536

Address 123 W. Indiana Ave.
Street

DeLand Fl. 32720
City State Zip

Email

after

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: Volusia 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)

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 48
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Judiciary Committee and Senator Garcia
SUBJECT:	Foreclosure Procedures
DATE:	April 7, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Bond	Yeatman	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 48 limits a trial court from substantially deviating from the statutory real property foreclosure sales procedures. Any deviation must be clearly requested by a party. A deviation may not favor one bidder over another or give the plaintiff a credit bid in excess of the amount owed. Requirements for public notice, costs and fees of the clerk, the time to object to the sale and the finality of the sale, and treatment of surplus may not be varied.

An auctioneer other than the clerk or the sheriff may be used, but must post bond or have insurance. A private auctioneer must withdraw if a relative or business associate registers to bid.

The bill creates a civil cause of action for anyone harmed by a violation of these requirements.

The bill may generate additional workload for the Clerks of Court and the state court system. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Foreclosure

Foreclosure is the legal process for forced sale at auction of real property to satisfy, in part or in whole, an unpaid lawful debt owed by the owner of the property. If the winning bidder is a third-party bidder, the proceeds of the sale first pay the costs of the foreclosure, then the rest of the proceeds are applied to the debt owed to the judgment creditor. Some foreclosure auctions yield a surplus because the final bid exceeds the debt. A foreclosure surplus is paid to or for the benefit of the foreclosed former owner.

In most foreclosures, however, there is no surplus after the foreclosure sale. Commonly, the plaintiff is the winning bidder and takes title to the property. Foreclosure is most often used in the context of a mortgage where the property owner has agreed to the debt. Foreclosures also result from construction liens, certain tax liens, association liens, and judgment liens.

Current law does not require a certain sale procedure, a trial judge entering a final judgment in a foreclosure case may use any procedure that conforms to constitutional due process. However, a foreclosure procedure is created by statute[1] and embodied in court-created final judgment forms.[2] The statutory and rule procedures are followed by most courts in most foreclosure cases.[3] Under the default procedures:

- The trial court directs the clerk of court to auction the property on a specific date that is not less than 20 days or more than 35 days after the date of judgment.[4]
- Certain notices regarding the possibility of a foreclosure surplus that may be claimed by the foreclosed owner must be included in the final judgment.[5]
- The clerk must furnish every defendant with a copy of the final judgment setting the sale date.[6]
- Notice of the sale must be published for two consecutive weeks on a publicly available website or once a week for two consecutive weeks in a newspaper of general circulation. The requirements for information that must be in the notice are listed in statute.[7]
- The clerk must be paid a service charge of $70.[8]
- The sale must be by public auction.[9] The statute does not specify a time or place; it merely requires that the time and place be in final judgment and in the public notice. Historically, sales were conducted on a porch, patio, or exterior staircase of the courthouse, at a time and

[1] Section 45.031, F.S.
[2] Form 1.996(a), F.R.C.P.
[3] A 2012 appellate decision implies that the statutory procedure should be followed unless there is reason not to. *Royal Palm Corp. Ctr. Ass'n, Ltd. v. PNC Bank, NA*, 89 So. 3d 923, 927 (Fla. 4th DCA 2012). The statute is not a "procedural straightjacket" and a trial court has reasonable discretion to change the procedure in a case. *Id*. at 28, *LR5A–JV v. Little House, LLC*, 50 So. 3d 691 (Fla. 5th DCA 2010).
[4] Section 45.031(1)(a), F.S.
[5] Section 45.031(1)(b), F.S.
[6] Section 45.031(1)(c), F.S. In practice, the foreclosing plaintiff must furnish the copies, addressed envelopes, and postage. The clerk merely certifies that the mailing was completed and that the clerk gave the mailing to the Postal Service.
[7] Section 45.031(2), F.S.
[8] Sections 45.031(3) and 45.035, F.S.
[9] Section 45.031(3), F.S.

place set locally by longstanding tradition.[10] Currently, most foreclosure sales are conducted through an internet-based auction system selected by the clerk.[11]

- At a traditional auction sale, custom and practice is that the foreclosing plaintiff makes the first bid at $100.[12] Often, there is no other bidder. If other bidders participate, the clerk must allow the foreclosing plaintiff a credit bid of any amount up to the amount of the judgment. The plaintiff's credit bid is not specified in statute but was created by custom and use because "no useful purpose [is] served in requiring a bondholder or a mortgagor to pay cash to a court officer conducting a judicial sale when he would be entitled to immediately have it paid back to him under the decree authorizing the sale."[13] Note that the plaintiff's credit bid is limited to the amount of the judgment. A plaintiff bidding more than the amount of the judgment must pay the overage to the clerk.
- A successful third-party bidder (one other than the foreclosing plaintiff) must immediately post a deposit of five percent of the winning bid. If the winning bidder does not pay the remaining amount of his or her bid plus service charges and taxes by the stated deadline, the deposit is forfeited and is applied against the outstanding judgment.[14] If the winning bidder fails to pay the full bid timely, the case file goes back to the trial court to set a new sale date. The statutory process does not specify the deadline for full payment. It appears that the deadlines are set by local custom. A review of eight counties showed that half required full payment on the day of the sale and the latest deadline required full payment by 4:00 p.m. on the day after the auction.[15]
- Whether the winning bidder is the plaintiff or a third-party bidder, the parties to the foreclosure have 10 days to object to the sale. If no timely objection is filed, the clerk issues a Certificate of Title to the winning bidder[16] and the person named in the certificate is deemed the owner free and clear of any real property interest foreclosed.[17] If a third party is the winning bidder and has paid the clerk the winning bid amount, the clerk, after deducting any outstanding costs, service charges, and taxes pays the remaining sum to the plaintiff, up to the amount of the outstanding judgment. If there are funds then remaining, known as a surplus, the clerk disburses the funds accordingly.[18]
- The clerk of court may retain a vendor to conduct foreclosure auctions through the internet.[19] It appears that most of the clerks use this option.[20]

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[10] For instance, Leon County historically conducted sales weekdays starting at 11:00 am on the west exterior patio of the courthouse. The west side of the building was still in the shade at that time, summer rainstorms usually did not start until after 2:00 pm., and the midday sale time gave the deputy clerk time before and after the sale to complete paperwork.

[11] Forty-four of the state's 67 counties (including the 8 sample counties) use the same vendor. See RealAuction: Our Client site, https://www.realauction.com/clients/index.

[12] The customary first bid of $100 likely comes from the calculation of the documentary stamp tax of $0.70 for every $100 or portion thereof, making $0.70 the minimum tax imposed. The documentary stamp tax is due on all documents transferring title to real property, including the clerk's Certificate of Title.

[13] *Branch Banking & Tr. Co. v. Tomblin*, 163 So. 3d 1229, 1230 (Fla. 5th DCA 2015), *Grable v. Nunez*, 66 So. 2d 675, 677 (Fla.1953).

[14] Section 45.031(3), F.S.

[15] Surveyed counties were Broward, Duval, Escambia, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, Pinellas, and Sarasota.

[16] Section 45.031(5), F.S.

[17] Section 45.031(6), F.S.

[18] The distribution of the surplus from a foreclosure sale is not affected by this bill.

[19] Section 45.031(10), F.S.

[20] Forty-four of the state's 67 counties (including the 8 sample counties) use the same vendor. See RealAuction: Our Client site, https://www.realauction.com/clients/index.

Current Concerns related to Foreclosure Sales

In practice, trial court judges do not prepare ordinary final judgments. Instead, they require the attorney for the prevailing party to prepare the judgment form, subject to the court's supervision. Recently, some attorneys have requested that courts allow procedures that differ from the suggested statutory procedure and trial court judges have allowed those differences.[21] Examples of questionable differences include:

- An auctioneer other than a clerk or the clerk's selected internet sales vendor is used. In some cases, the auctioneer has been the foreclosing plaintiff's attorney.
- Auctions have been conducted on or near the foreclosed property, sometimes in places with little public access, little to no reasonable parking, or access that might not reasonably accommodate the disabled.
- In some auctions, the final judgment provided that the foreclosing plaintiff would take title should the winning bidder fail to timely pay the bid. A sham bidder would appear and would drive up the bids to where all others would drop out. Later, the sham bidder would not pay, leaving the plaintiff to be deemed the winning bidder.[22]
- A bidder for the plaintiff was given an unlimited credit bid (i.e., was allowed to bid in excess of the judgment), but was not required to pay the excess of the bid that should have been paid as surplus to the former owner.

III. Effect of Proposed Changes:

This bill requires the trial court to use the statutory procedure but allows a trial court to vary from the statutory foreclosure procedures within certain limits. The existing statutory procedures are not modified.

A request to use an alternative sales procedure must be made by separate motion and thus cannot be slipped into a proposed final judgment of foreclosure.

The following minimum requirements of the foreclosure sale cannot be modified by the court:

- Bidding procedures must be uniform among all bidders.
- The published notice of sale must include at a minimum the information required in the standard procedures.
- The credit bid of a plaintiff may not exceed the amount set by the final judgment.
- The sale must be in the county and at a place that is open to the public at the time of sale.
- The existing 10-day limit for filing an objection to sale may not be changed, nor can the finality of a sale absent objection be altered.
- Existing statutory fees due to the clerk may not be waived.
- Existing statutory treatment of a surplus must be followed.

[21] Ben Weider and Brittany Wallman, *RIGGED. Florida lawyer writes rules to win condo auctions for $100. Judges let him do it.* MIAMI HERALD, April 2, 2024, updated January 23, 2025, https://www.miamiherald.com/news/business/real-estate-news/article285934076.html.

[22] Motion to Vacate Amended Final Judgment (November 3, 2021), *Emerald Tower Assoc. v. Celano*, Broward County Circuit Court case CACE202112603.

A private auctioneer (one other than the clerk of court or the sheriff, or a deputy thereof) must have insurance or post bond covering the value of the property. A private auctioneer has the duty to recuse if a business partner or relative within the third degree of consanguinity registers to bid or attempts to bid on the property. An attorney in the action may not be appointed as an auctioneer.

Any person other than the clerk or sheriff that holds funds must have insurance or post sufficient bond.

An in-person auction must be conducted in a place that is open to the general public at the time of the auction and that is reasonably accessible.

The bill creates a private cause of action available to any person who has violated the requirements and limits on foreclosure sales.

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:

The bill may increase the Clerks of Court workload and staffing needs. Additionally, the bill will provide fee predictability to the Clerk by prohibiting the court from waving the statutory fee in s. 45.035(1), F.S. The bill may also result in a minimal increase in workload to the state court system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 45.0311 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/CS by Appropriations Committee on Criminal and Civil Justice on March 26, 2025:
The amendment simplified and shortened the bill, making the following significant changes: removed provisions that would have extended the time limits for conducting a sale; removed specific requirements for a private auctioneer and added a bond requirement; removed prohibition on bidders related to a private auctioneer and added the requirement that aprivate auctioneer must recuse if a related person bids or registers to bid; simplified requirements related to private escrow to just a requirement to post bond or insurance as set by the court; simplified pleading requirements; removed authority for backup bidders; simplified the civil cause of action; and removed the newly created felony.

CS by Judiciary on February 11, 2025:
The amendment simplifies the bill and makes the following changes: extends the allowable time for conducting a foreclosure sale from between 20 days and 35 days to between 45 and 60 days; removes a provision that would have restricted credit bids to 10 percent of the appraised value of the property; removes a provision that would extended the time to pay a final bid to 30 days; removes a prohibition on bidding by certain relatives or other related persons; removes a requirement that the final bid in any foreclosure sale exceed 75% of the tax appraised value of the property; adds criteria for deviations from the standard foreclosure procedure; adds a requirement that a request for deviation from the standard foreclosure procedure be made by motion notifying the court of the deviation; and lists sale procedures that may not be modified.

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; the Committee on Judiciary; and Senator Garcia

604-02918-25 202548c2

A bill to be entitled

An act relating to foreclosure procedures; creating s. 45.0311, F.S.; specifying mandatory requirements for foreclosure sales; providing legislative intent; requiring that a request to deviate from certain procedures be in a separate pleading; requiring courts to set forth any deviations in writing in the final judgement of foreclosure or other order; listing procedures that may be waived; providing requirements for an alternative auctioneer; creating a cause of action; providing an effective date.

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

Section 1. Section 45.0311, Florida Statutes, is created to read:

45.0311 Mandatory requirements for judicial sales.—

(1) The court may not approve a request from a party to substantially deviate from the judicial sales procedures of s. 45.031, except as provided in this section.

(2) The Legislature finds that a deviation from the judicial sales procedures under s. 45.031 may be beneficial in certain proceedings due to the nature of the real or personal property to be sold under an order or a judgment to maximize the potential sales proceeds, including the net proceeds thereof, for the benefit of all parties. Transparency is necessary for all alternative procedures to prevent overreach by any party, avoid fraud, and maximize the sales price while minimizing expenses and delays. A person who facilitates alternative sales

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604-02918-25 202548c2

or handles deposits or sales proceeds, including surplus proceeds, must be qualified, independent, and not related to any party or an attorney for a party and must be subject to the provisions of this section and the jurisdiction of the court.

(3) A party requesting a deviation must request the relief clearly and in a separate pleading. Any deviation authorized by the court must be set forth in writing in the final judgment of foreclosure or other order.

(4) A trial court may not alter any of the following requirements for a judicial sale:

(a) Only one set of bidding procedures may apply to a sale. Each bidder must follow the same procedures and receive the same information relating to the sale of the real or personal property. Preferences or advantages may not be given to any party, person, or bidder.

(b) The publication of the notice of sale must meet or exceed the requirements of s. 45.031(2).

(c) Credit bid rights must be limited to the amount owed to the creditor or lienholder as provided in the order or final judgment that determined such amount. Any overbid amount must be paid in cash.

(d) The highest cash bidder must win the bid. The deadline for payment of the winning bid may not exceed 5 business days.

(e) An in-person auction may not be conducted outside of the county of foreclosure.

(f) Costs, fees, and service charges that are payable to the clerk of the court may not be waived.

(g) The 10-day period to object to the sale as provided in s. 45.031(5), and the confirmation of the sale as provided in s.

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45.031(6), may not be altered.

(h) The requirements related to a foreclosure surplus in ss. 45.031(1), 45.032, 45.033, and 45.035(2) may not be waived.

(5) If the party requests that the court authorize someone other than the clerk of the court or the sheriff to conduct the sale, the request must be clear and the following requirements apply:

(a) An alternative auctioneer must have insurance or post a bond filed with and payable to the clerk of court to protect the interests of the parties. The court shall set the amount of the bond as the approximate the value of the property to be sold. An attorney in the action may not be the auctioneer. The auctioneer must recuse himself or herself if a business partner or relative within the third degree consanguinity registers or attempts to bid.

(b) Any person holding funds must have insurance or post sufficient bond to protect the interests of the parties.

(c) An in-person auction must be conducted in a place that is open to the general public at the time of the auction and that is reasonably accessible.

(6) A person harmed by violation of this section has a cause of action for damages resulting from the violation.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 26, 2025

I respectfully request that Senate Bill 48, relating to **Alternative Judicial Procedures** which requires that specified sales procedures be followed for certain sales of real or personal property unless a court orders otherwise; creates the *"Transparency in Alternative Judicial Sales Procedures Act"*; requires parties seeking to use an alternative procedure to file a motion with the court; and authorizes individuals to serve as auctioneers or in other roles under certain conditions be placed on the:

☐ Committee agenda at your earliest possible convenience.

☒ **Next committee agenda.**

Senator Ileana Garcia
Florida Senate, District 36

File signed original with committee office

S-020 (03/2004)

This bill was
Temporarily Postponed

T.P

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

48
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hayden Dempsey

Phone 850-556-1985

Address 101 E College Ave
Street

Email dempseyh@gtlaw.com

Tal FL 32311
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. 2020-2022JointRules.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 232
INTRODUCER:	Banking and Insurance Committee; Commerce and Tourism Committee and Senator Rodriguez
SUBJECT:	Debt Collection
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	**Fav/CS**
2.	Moody	Knudson	BI	**Fav/CS**
3.	Dike	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 232 revises the Florida Consumer Collection Practices Act (FCCPA) to allow any person attempting to collect on a debt to communicate with a debtor via email between 9 p.m. and 8 a.m. The bill includes preamble clauses that acknowledge emails were not commonly used or explicitly contemplated when such prohibited practice was adopted and provides that the Legislative intent is to update and clarify that emails are not prohibited during such hours because they are less invasive and less disruptive than telephone calls.

The bill takes effect upon becoming a law.

II. Present Situation:

The Florida Consumer Collection Practices Act

The FCCPA[1] prohibits certain practices by any person when attempting to collect on a debt.[2] This law is the counterpart to the federal Fair Debt Collection Practices Act (FDCPA) with the

[1] Sections 559.55-559.785, F.S.

[2] "Debt collector" means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term "debt

purpose of eliminating "abusive and harassing tactics in the collection of debts."[3] When collecting consumer debts,[4] collectors are not allowed to use or threaten violence,[5] use profane or vulgar language,[6] or attempt to enforce an illegitimate debt.[7] Among the list of prohibited practices, a collector is not allowed to "communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor."[8] The current version of the statute does not specify what type of communication is prohibited between these hours.

A debtor[9] may bring a civil action against a consumer collection agency[10] or any person attempting to collect on a debt in a manner prohibited by law within two years of the date the alleged violation occurred.[11] The debtor may file such action "in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred."[12] If a collector does not comply with the provisions of s. 559.72, F.S., they are liable for actual and statutory damages up to $1000, court costs and attorney's fees that are incurred by the plaintiff,[13] and punitive damages or other equitable relief the court finds necessary or proper.[14] Additionally, if there is an inconsistency between the FCCPA and the FDCPA, the provision which is more protective of the debtor will prevail.[15]

The Fair Debt Collection Practices Act

The federal Fair Debt Collection Practices Act (FDCPA) (15 USC 1692 et seq.), which became effective in March 1978, was designed to eliminate abusive, deceptive, and unfair debt collection practices.[16] Pursuant to 12 CFR s. 1006.06(b)(1)(i), with certain exceptions (prior consent, or permission by a court), a debt collector must not communicate or attempt to communicate with a consumer in connection with the collection of any debt at any unusual time, or at a time that the debt collector knows or should know is inconvenient to the consumer. In the absence of the debt collector's knowledge of circumstances to the contrary, a time before 8:00 a.m. and after 9:00

collector" includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate that a third person is collecting or attempting to collect such debts. Section 559.55(7), F.S.

[3] The Consumer Prot. Law Comm. of the Florida Bar, *The Consumer Law Bench Book*, p. 46, available at https://www.floridabar.org/about/cmtes/cmte-cm410/cplc-bench-manual/ (last visited Mar. 19, 2025).

[4] "Debt" or "consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgement. Section 559.55(6), F.S.

[5] Section 559.72(2), F.S.

[6] Section 559.72(8), F.S.

[7] Section 559.72(9), F.S.

[8] Section 559.72(17), F.S.

[9] "Debtor" or "consumer" means any natural person obligated or allegedly obligated to pay any debt. Section 559.55(8), F.S.

[10] "Consumer collection agency" means any debt collector or business entity engaged in the business of soliciting consumer debts for collection or of collecting consumer debts, which debt collector or business is not expressly exempted as set forth in s. 559.553(3). Section 559.55(3), F.S.

[11] Section 559.77(4), F.S.

[12] Section 559.77(1), F.S.

[13] Section 559.77(2), F.S.

[14] *Id.*

[15] Section 559.552, F.S.

[16] The Fed. Rsrv., *Consumer Compliance Handbook*, available at https://www.federalreserve.gov/boarddocs/supmanual/cch/fairdebt.pdf, (last visited Mar. 19, 2025).

p.m. local time at the consumer's location is inconvenient. Email and text communications[17] are permitted, but the consumer must be offered a reasonable and simple method for opting out.[18]

Recent Litigation

The U.S. District Court for the Southern District of Florida recently interpreted what it means to "communicate with" a consumer under the FCCPA.[19] In this case, plaintiff sued a debt collector for sending her an e-mail at 8:23 p.m. which was delivered to her at 10:14 p.m. and which she did not open or read until 11:44 a.m. the next day.[20] Plaintiff argued that this constituted a communication in violation of s. 559.72(17), F.S.[21] Without legal precedent on point, the court determined that "no e-mail communication "with" the customer takes place until the consumer reads the message, or at least receives it."[22] Under this interpretation, the court found that the debt collector did not communicate with plaintiff until 11:44 a.m. because that was when she read the message, and as such, defendant's motion for summary judgment was granted.[23]

As this case was one of first impression, there is a chance that Florida courts or other federal district courts could deviate from this interpretation. Moreover, this interpretation diverges from the Consumer Financial Protection Bureau's interpretation of what it means to "communicate with" a debtor under the FDCPA.[24] Without statutory clarification, Florida courts are open to litigation over debt collection e-mails received and read after 9 p.m. and before 8 a.m.

III. Effect of Proposed Changes:

The bill includes preamble clauses that provide the Legislature:

- Acknowledges that s. 559.72(17), F.S.:
  - Was adopted before e-mail communication became commonly used;
  - Only explicitly contemplates telephone calls as a form of communication; and
- Intends to update and clarify s. 559.72(17), F.S. to exclude e-mail communication from the prohibited debt collection practice of contacting a person regarding a debt between the hours of 9:00 p.m. and 8:00 a.m. because e-mail communication is less invasive and less disruptive than telephone calls.

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[17] According to a recent news release, email communications are used by 74% of debt collectors, and use of text messaging grew by 5% between 2023 and 2024. TransUnion, *More Than Half of Debt Collection Companies Saw Increased Volume of Accounts in Past 12 Months*, available at https://newsroom.transunion.com/more-than-half-of-debt-collection-companies-saw-increased-volume-of-accounts-in-past-12-months/#:~:text=Use%20of%20text%2FSMS%20messaging,engage%20consumers%20regarding%20a%20debt, (last visited Mar. 19, 2025).

[18] The Consumer Fin. Prot. Bureau, *What laws limit what debt collectors can say or do?*, available at https://www.consumerfinance.gov/ask-cfpb/what-laws-limit-what-debt-collectors-can-say-or-do-en-329/, (last visited Mar. 19, 2025).

[19] *Quinn-Davis v. TrueAccord Corp.*, Case No. 1:23-cv-23590-LEIBOWITZ/REID, 2024 WL 4851344 (S.D. Fla. Nov. 20, 2024).

[20] *Id.* at *1.

[21] *Id.*

[22] *Id.*

[23] *Id.* at *7.

[24] *Id.* at *5 ("The CFPB interprets "communicate with" under the FDCPA to mean that a debt collector communicates with a customer when the debt collector "sends" an electronic communication.").

Prohibited Practices for Debt Collection

Section 1 amends s. 559.72, F.S., to allow any person attempting to collect on a debt to communicate with a debtor between 9 p.m. and 8 a.m. via email.

Incorporating Related Statutes

Sections 2-6 reenact ss. 559.565, 559.725, 559.77, 648.44, and 817.7001, F.S., respectively, for the purpose of incorporating the amendments to s. 559.72, F.S., in section 1 of the bill.

Effective Date

Section 7 provides an effective date upon becoming law.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 559.72, F.S.

For the purpose of incorporating the amendments to s. 559.72, F.S., the bill reenacts the following sections: 559.72, 559.565, 559.725, 559.77, 648.44, 817.7001.

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 Banking and Insurance on March 31, 2025:

- Includes preamble clauses that provide the Legislature:
  - Acknowledges that telephone calls are the only specific communication explicitly contemplated in s. 559.72(17), F.S.;
  - Intends to update and clarify prohibited practices in collecting debt to exclude e-email communication;
- Removes the catch all "unless otherwise authorized by law" that was an exception to the otherwise prohibited debt collection practices; and
- Amends the effective date of the bill to upon becoming law.

CS by Commerce and Tourism on March 3, 2025:
The committee substitute allows any person collecting debts to communicate with debtors via email between 9 p.m. and 8 a.m.

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 Banking and Insurance; and Commerce and Tourism; and Senator Rodriguez

A bill to be entitled

An act relating to debt collection; amending s. 559.72, F.S.; revising prohibited practices for a person attempting to collect consumer debt; providing applicability; making a technical change; reenacting ss. 559.565(2), 559.725(2), 559.77(1) and (2), 648.44(1)(o), and 817.7001(2)(b), F.S., relating to enforcement action against an out-of-state consumer debt collector, consumer complaints and administrative duties, civil remedies, prohibitions and penalties, and definitions, respectively, to incorporate the amendment made to s. 559.72, F.S., in references thereto; providing an effective date.

WHEREAS, the Legislature acknowledges that s. 559.72(17), Florida Statutes, was adopted before e-mail communication became commonly used, and that the only specific communication explicitly contemplated in such subsection is telephone calls, and

WHEREAS, the Legislature intends to update and clarify prohibited practices in collecting debt to address e-mail communication by excluding such communication from prohibited contact between the hours of 9:00 p.m. and 8:00 a.m. because such contact is less invasive and less disruptive than telephone calls, NOW, THEREFORE,

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

Section 1. Section 559.72, Florida Statutes, is amended to

read:

559.72 Prohibited practices generally.—In collecting consumer debts, a ~~no~~ person may not ~~shall~~:

(1) Simulate in any manner a law enforcement officer or a representative of any governmental agency.

(2) Use or threaten force or violence.

(3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been

asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the person who made the original disclosure must reveal upon the request of the debtor within 30 days the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

(8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family.

(9) Claim, attempt, or threaten to enforce a debt when such person knows that the debt is not legitimate, or assert the existence of some other legal right when such person knows that the right does not exist.

(10) Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law, when it is not.

(11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare.

(12) Orally communicate with a debtor in a manner that gives the false impression or appearance that such person is or is associated with an attorney.

(13) Advertise or threaten to advertise for sale any debt

as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.

(14) Publish or post, threaten to publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts.

(15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt.

(16) Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor. An example of this would be an envelope addressed to "Deadbeat, Jane Doe" or "Deadbeat, John Doe."

(17) Communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor. This subsection does not apply to an e-mail communication that is sent to an e-mail address and that otherwise complies with this section.

(a) The person may presume that the time a telephone call is received conforms to the local time zone assigned to the area code of the number called, unless the person reasonably believes that the debtor's telephone is located in a different time zone.

(b) If, such as with toll-free numbers, an area code is not assigned to a specific geographic area, the person may presume that the time a telephone call is received conforms to the local time zone of the debtor's last known place of residence, unless

the person reasonably believes that the debtor's telephone is located in a different time zone.

(18) Communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the debtor's attorney fails to respond within 30 days to a communication from the person, unless the debtor's attorney consents to a direct communication with the debtor, or unless the debtor initiates the communication.

(19) Cause a debtor to be charged for communications by concealing the true purpose of the communication, including collect telephone calls and telegram fees.

Section 2. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, subsection (2) of section 559.565, Florida Statutes, is reenacted to read:

559.565 Enforcement action against out-of-state consumer debt collector.—The remedies of this section are cumulative to other sanctions and enforcement provisions of this part for any violation by an out-of-state consumer debt collector, as defined in s. 559.55(11).

(2) A person, whether or not exempt from registration under this part, who violates s. 559.72 is subject to sanctions the same as any other consumer debt collector, including imposition of an administrative fine. The registration of a duly registered out-of-state consumer debt collector is subject to revocation or suspension in the same manner as the registration of any other registrant under this part.

Section 3. For the purpose of incorporating the amendment

made by this act to section 559.72, Florida Statutes, in a reference thereto, subsection (2) of section 559.725, Florida Statutes, is reenacted to read:

559.725 Consumer complaints; administrative duties.—

(2) The office shall inform and furnish relevant information to the appropriate regulatory body of the state or the Federal Government, or The Florida Bar in the case of attorneys, if a person has been named in a consumer complaint pursuant to subsection (3) alleging violations of s. 559.72. The Attorney General may take action against any person in violation of this part.

Section 4. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in references thereto, subsections (1) and (2) of section 559.77, Florida Statutes, are reenacted to read:

559.77 Civil remedies.—

(1) A debtor may bring a civil action against a person violating the provisions of s. 559.72 in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred.

(2) Any person who fails to comply with any provision of s. 559.72 is liable for actual damages and for additional statutory damages as the court may allow, but not exceeding $1,000, together with court costs and reasonable attorney's fees incurred by the plaintiff. In determining the defendant's liability for any additional statutory damages, the court shall consider the nature of the defendant's noncompliance with s. 559.72, the frequency and persistence of the noncompliance, and the extent to which the noncompliance was intentional. In a

class action lawsuit brought under this section, the court may award additional statutory damages of up to $1,000 for each named plaintiff and an aggregate award of additional statutory damages up to the lesser of $500,000 or 1 percent of the defendant's net worth for all remaining class members; however, the aggregate award may not provide an individual class member with additional statutory damages in excess of $1,000. The court may award punitive damages and may provide such equitable relief as it deems necessary or proper, including enjoining the defendant from further violations of this part. If the court finds that the suit fails to raise a justiciable issue of law or fact, the plaintiff is liable for court costs and reasonable attorney's fees incurred by the defendant.

Section 5. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, paragraph (o) of subsection (1) of section 648.44, Florida Statutes, is reenacted to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(o) Attempt to collect, through threat or coercion, amounts due for the payment of any indebtedness related to the issuance of a bail bond in violation of s. 559.72.

Section 6. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 817.7001, Florida Statutes, is reenacted to read:

817.7001 Definitions.—As used in this part:

(2)

(b) "Credit service organization" does not include:

1. Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act;

2. Any bank, savings bank, or savings and loan association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or a subsidiary of such bank, savings bank, or savings and loan association;

3. Any credit union, federal credit union, or out-of-state credit union doing business in this state;

4. Any nonprofit organization exempt from taxation under s. 501(c)(3) of the Internal Revenue Code;

5. Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;

6. Any person collecting consumer claims pursuant to s. 559.72;

7. Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney and does not engage in the credit service business on a regular and continuing basis;

8. Any broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission if the broker-dealer is acting within the course and scope of that regulation; or

9. Any consumer reporting agency as defined in the Federal

Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.

Section 7. This act shall take effect upon becoming law.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **CS/CS/SB 232**, relating to Debt Collection, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

CS/SB 232 revises the Florida Consumer Collection Practices Act (FCCPA) to allow any person attempting to collect on a debt to communicate with a debtor via email between 9 p.m. and 8 a.m. Other communications, such as phone calls and text messages, would still be prohibited during those hours.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

SB 232
Bill Number or Topic

Amendment Barcode (if applicable)

Name Caitlyn Matcher

Phone 833-618-8180

Address 310 W college Ave
Street

Email Caitlyn@team180.com

TLH 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:
Self Storage 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. 2020-2022JointRules.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

4/8/25
Meeting Date

S. Rules
Committee

232 - Debt Collection
Bill Number or Topic

Amendment Barcode (if applicable)

Name Scott Jenkins

Phone 850 661 0829

Address 201 E. Park Ave Ste 200B
Street

Email scott@edacfl.com

TLH 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 Financial Services 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. 2020-2022JointRules.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

4/8/25
Meeting Date

Rules
Committee

232
Bill Number or Topic

Amendment Barcode (if applicable)

Name Josh Burnett

Phone 727-656-3316

Address 110 S. Monroe St.
Street

Email Josh@consultanderson.com

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: Community Association Managers

☐ 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 the Senator or Senate Professional Staff conducting the meeting)

4/8/25
Meeting Date

232
Bill Number (if applicable)

Topic Debt Collection

Amendment Barcode (if applicable)

Name George Feijoo ("Fay-Jew")

Job Title Consultant

Address 108 S. Monroe Street
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 3057207099

Email grfeijoo@flapartners.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing JM Family

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

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 300
INTRODUCER:	Governmental Oversight and Accountability Committee and Senator Rouson
SUBJECT:	Public Records/Appellate Court Clerks and their Spouses and Children
DATE:	April 7, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Favorable**
2.	White	McVaney	GO	**Fav/CS**
3.	Collazo	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 300 exempts from public records copying and inspection requirements certain identifying information of current clerks of the appellate courts, current deputy clerks of the appellate courts, and current personnel of the clerk of the appellate court, and their spouses and children. The exemption restricts access to their information in the public records which may identify or locate them. Specifically, the bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- The names and locations of schools and day care facilities attended by the children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.

This exemption applies to information held by an agency before, on, or after July 1, 2025. However, the exemption expires when the appellate or circuit court clerk, deputy clerk of an appellate or circuit court, or clerk of the appellate and circuit courts personnel is no longer employed in such position. The person subject to such exemption must notify via notarized letter any non-employing custodial agency of the expiration of the exemption.

It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends, by one year, the repeal date for the existing exemption in s. 119.071(4)(d)2., F.S., applicable to current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel, and their spouses and children, from October 2, 2029, to October 2, 2030.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill may minimally increase costs for state and local agencies.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records – Generally

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] The right to inspect or copy 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 related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[3] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[4] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[5]

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[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] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).
[4] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[5] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

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 that are used to "perpetuate, communicate, or formalize knowledge of some type."[6]

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any 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]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[9] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[10]

General exemptions from the public records requirements are contained in the Public Records Act.[11] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[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

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[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*. *See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).
[11] *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).
[12] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[13] *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

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]

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), "home addresses" is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, "telephone numbers" is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include current clerk, deputy clerks and other personnel of each circuit court.[16]

Records that include exempt information relating to the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers[17] and county tax collectors[18] holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.[19]

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.[20]

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[14] *Id.*
[15] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[16] Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.
[17] *See* s. 192.001(3), F.S.
[18] *See* s. 192.001(4), F.S.
[19] Section 119.071(4)(d)4., F.S.
[20] Section 119.071(4)(d)3., F.S.

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.[21] Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling[22] or upon his or her death.[23]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[24] (the Act), prescribe a legislative review process for newly created or substantially amended[25] public records or open meetings exemptions, with specified exceptions.[26] The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.[27]

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.[28] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the 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 subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;[29]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[30] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[31]

The Act also requires specified questions to be considered during the review process.[32] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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[21] Section 119.071(4)(d)6., F.S.
[22] The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.
[23] A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.
[24] Section 119.15, F.S.
[25] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[26] 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.
[27] Section 119.15(3), F.S.
[28] Section 119.15(6)(b), F.S.
[29] Section 119.15(6)(b)1., F.S.
[30] Section 119.15(6)(b)2., F.S.
[31] Section 119.15(6)(b)3., F.S.
[32] Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.[33] If the exemption is continued without substantive changes or if the exemption is continued and 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.[34]

Clerks of the Appellate Court

The Florida Supreme Court[35] and each district court of appeal[36] are required to appoint a clerk who holds office at the pleasure of the respective courts. The office of the clerk of the Supreme Court is located in the Supreme Court Building.[37] The office of the clerk of the district court of appeal is in the headquarters of each district court.[38]

The clerk of the Supreme Court[39] and the clerks of the district courts of appeal[40] are required to perform such duties as the courts direct. All books, papers, records, files, and seals must be kept in the clerks' offices and in their custody.[41]

Additionally, the clerk of each court is required to:

- Keep a docket or equivalent electronic record of all cases that are brought for review to or that originate in the court.[42]
- Issue such mandates or processes as may be directed by the court and notify attorneys of record of such issuance or of the rendition of any final judgment.[43]
- Return to the clerk of the lower court the original papers or files transmitted to the court for use in the cause.[44]

The clerk of the Supreme Court can appoint a deputy clerk. The deputy has the same powers as the clerk, except for the power to appoint a deputy or deputies.[45]

- 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?

[33] *See generally* s. 119.15, F.S.
[34] Section 119.15(7), F.S.
[35] FLA. CONST. art V, s. 3(c).
[36] FLA. CONST. art V, s. 4(c).
[37] Section 25.211, F.S.
[38] Section 35.23, F.S.
[39] FLA. CONST. art V, s. 3(c).
[40] FLA. CONST. art V, s. 4(c).
[41] Sections 25.221 and 35.24, F.S.
[42] Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(3); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(2).
[43] Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(5); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(4).
[44] Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(6); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(5).
[45] Section 25.201, F.S.

Clerks of the Circuit Court

Each county in Florida has a clerk of the circuit court, a quasi-judicial officer[46] selected pursuant to the constitutional provision concerning the election of county officers.[47] The office of the clerk of the circuit court derives its powers and authority from the State Constitution.[48] The clerk, when acting under the authority of his or her constitutionally granted powers concerning judicial records and other matters related to the administrative operation of the courts, is an arm of the judicial branch and is subject to the oversight and control of the Florida Supreme Court.[49]

Clerks of the circuit court play a vital role in the state's judicial system. They perform at least 14 key functions:[50]

- Attend court hearings and trials.
- File indictments, information, and verdicts.
- Process all civil and criminal cases.
- Prepare appellate records.
- Manage juries.
- Collect and disburse fines, court costs, forfeitures, fees, and service charges.
- Conduct mortgage foreclosure sales.
- Maintain custody of all evidence and exhibits entered by the court.
- Assist in completing paperwork required to file a Small Claims action.
- Assist in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence).
- Issue process service documents.
- Maintain the court registry.
- Audit guardianship reports.
- Audit child support payments.

Deputy Clerks of the Circuit Court

The clerk of the circuit court may appoint a deputy or deputies, for whose acts the clerk is liable. The deputies have the same powers that clerks may exercise, except for the power to appoint a deputy or deputies.[51]

III. Effect of Proposed Changes:

Section 1 exempts from public records disclosure requirements certain information relating to current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of

[46] *Givens v. Holmes*, 241 So. 3d 232, 236 (Fla. 2d DCA 2018).
[47] FLA. CONST. art. V, s. 16.
[48] *Givens*, 241 So. 3d at 236.
[49] *Times Pub. Co. v. Ake*, 660 So. 2d 255, 255 (Fla. 1995).
[50] MGT Consulting Group, *Florida Clerks of Court Study* (Nov. 15, 2019), *available at* https://oppaga.fl.gov/Documents/Reports/19-CLERKS.pdf; *see also* Florida Court Clerks & Comptrollers, *Role of the Clerk and Comptroller*, https://www.flclerks.com/page/RoleoftheClerk (last visited Feb. 10, 2025).
[51] Section 28.06, F.S.

the appellate courts' current personnel.[52] The following information will be exempt from public disclosure:

- The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- The names and locations of schools and day care facilities attended by the children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.

For purposes of the bill, "appellate court" means the Florida Supreme Court or a district court of appeal.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2025. However, the exemption expires when the appellate or circuit court clerk, deputy clerk of an appellate or circuit court, or clerk of the appellate and circuit courts personnel is no longer employed in such position. The person subject to such exemption must notify via notarized letter any non-employing custodial agency of the expiration of the exemption.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act[53] and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends, by one year, the repeal date for the existing exemption applicable to current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel, and their spouses and children, from October 2, 2029, to October 2, 2030.

Section 2 updates a cross reference relating to the definition of "telephone numbers."

Section 3 provides the constitutionally required public necessity statement. The public necessity statement provides that while performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks, appellate court deputy clerks, and clerk of the appellate court personnel may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks, deputy clerks, and appellate court personnel and their spouses and children may be targets for acts of revenge. If such identifying and location information is released, the safety of current appellate court clerks, deputy clerks, and appellate court personnel and their spouses and children could be seriously jeopardized. For this reason, the bill provides that it is a public necessity that such information be exempt from public records requirements.

Section 4 provides that the bill takes effect July 1, 2025.

[52] Section 119.07(1), F.S.; FLA. CONST. art I, s. 24(a).
[53] *See* s. 119.15, F.S.

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, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 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. This bill enacts a new exemption for current clerks of the appellate court, current deputy clerks of the appellate court, and clerk of the appellate courts' current personnel, and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 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. Section 3 of the bill contains a statement of public necessity for current appellate court clerks, deputy clerks, appellate court personnel, and their spouses and children.

Breadth of Exemption

Article I, section 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 clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children. This bill exempts records pertaining to the clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children, from the public records requirements.

Enacted last year,[54] CS/HB 983 created a public records exemption for clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel, and their spouses and children. The bill amends this public records exemption to also include appellate clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children.

Although both existing law and the bill include a public records exemption for clerks of the appellate and circuit courts personnel and their spouses and children, it is unclear whether including these categories of individuals might render the exemption overly

[54] *See* Ch. 2024-239, L.O.F.

broad. The term "personnel" is undefined and could include persons (e.g. building maintenance staff, custodians, receptionists, etc.) whose responsibilities will not incur the "ill will of litigants and their associates and families" as contemplated by the public necessity statement.

Consequently, there are arguments that both existing law and the bill are broader than necessary to accomplish the purpose 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 be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may increase costs minimally for agencies holding records that contain personal identifying information of clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends sections 119.071 and 744.21031 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 by Governmental Oversight and Accountability on April 1, 2025:

- Updates the public necessity statement to specify the need for the exemption of specific personal identifying information of appellate court deputy clerks and appellate court personnel, as well as their spouses and children, in addition to the appellate court clerks themselves.
- Clarifies when an individual no longer qualifies for the exemption and requires the individual to provide notice to the records custodian when the exemption expires.

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 Committee on Governmental Oversight and Accountability; and Senator Rouson

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; defining the term "appellate court"; providing an exemption from public records requirements for the personal identifying and location information of current appellate court clerks and the spouses and children of such appellate court clerks; providing for future legislative review and repeal of the exemption; providing a method for maintenance of an exemption; providing for retroactive application of the exemption; amending s. 744.21031, F.S.; conforming a cross-reference; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

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

a. "Appellate court" means the Florida Supreme Court or a district court of appeal.

b. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive

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property information that may reveal the home address.

c.~~b.~~ "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

d.~~c.~~ "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation

coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court,

district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement

hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care

facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth,

and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and

s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means

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

a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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

Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county

attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the appellate and circuit courts ~~court~~, deputy clerks of the appellate and circuit courts ~~court~~, and clerk of the appellate and circuit courts ~~court~~ personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the appellate and circuit courts ~~court~~, deputy clerks of the appellate and circuit courts ~~court~~, and clerk of the appellate and circuit courts ~~court~~ personnel; and the names and locations of schools and day care facilities

attended by the children of current clerks of the appellate and circuit courts ~~court~~, deputy clerks of the appellate and circuit courts ~~court~~, and clerk of the appellate and circuit courts ~~court~~ personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030 ~~2029~~, unless reviewed and saved from repeal through reenactment by the Legislature.

3.a. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.y. and that is not the employer of the current appellate or circuit court clerk, current deputy clerk of an appellate of circuit court, or clerk of the appellate and circuit courts personnel, his or her spouse, or his or her child must maintain the exempt status of that information only while the qualifying conditions for the exemption apply. The person who qualifies for an exemption pursuant to sub-subparagraph 2.y, must submit a written and notarized letter to a non-employing

custodial agency that holds information specified in sub-subparagraph 2.y. of the current appellate or circuit court clerk, current deputy clerk of an appellate of circuit court, or clerk of the appellate and circuit courts personnel, his or her spouse, or his or her child, notifying it of the cessation of his or her qualification for the exemption.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request

for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.b. ~~1.a.~~, the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be

released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. Paragraph (c) of subsection (1) of section 744.21031, Florida Statutes, is amended to read:

744.21031 Public records exemption.—

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

(c) "Telephone numbers" has the same meaning as provided in s. 119.071(4)(d)1.d. ~~s. 119.071(4)(d)1.c.~~

Section 3. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current appellate court clerks, deputy clerks, and clerk of the appellate court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such appellate court clerks, deputy clerks, and clerk of the appellate court

personnel; and the names and locations of schools and day care facilities attended by the children of such appellate court clerks, deputy clerks, and clerk of the appellate court personnel be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. While performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks, deputy clerks, and clerk of the appellate court personnel may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks, deputy clerks, and clerk of the appellate court personnel and their spouses and children may be targets for acts of revenge. If such identifying and location information is released, the safety of current appellate court clerks, deputy clerks, and clerk of the appellate court personnel and their spouses and children could be seriously jeopardized. For this reason, the Legislature finds that it is a public necessity that such information be made exempt from public records requirements.

Section 4. This act shall take effect July 1, 2025.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Vice Chair*
Agriculture
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Ethics and Elections
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON
16th District

April 1, 2025

Senator Kathleen Passidomo
Chair, Committee on Rules
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Passidomo,

I write today respectfully requesting SB 300, Public Records/Appellate Court Clerks and their Spouses and Children, and SB 302, Public Records/Judicial Qualifications Commission, be added to the agenda of a forthcoming meeting of the Committee on Rules for consideration. I look forward to the opportunity to present SB 300 and SB 302 to the committee. I am available for any questions you may have about this legislation.

Thank you in advance for the committee's time and consideration.

Sincerely –

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:
❒ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828
❒ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

April 8, 2025
Meeting Date

Committee on Rules
Committee

SB 300
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 Florida 32399
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. 2020-2022JointRules.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 302
INTRODUCER:	Senator Rouson
SUBJECT:	Public Records/Judicial Qualifications Commission
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Favorable**
2.	White	McVaney	GO	**Favorable**
3.	Collazo	Yeatman	RC	**Favorable**

I. Summary:

SB 302 exempts from public records copying and inspection requirements certain identifying information of current and former employees of the Judicial Qualifications Commission (Commission) and their spouses and children. The exemption restricts access to their information in the public records which may identify or locate them.

Specifically, the bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former employees of the Commission.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former employees of the Commission.
- The names and locations of schools and day care facilities attended by the children of current and former employees of the Commission.

This exemption applies to information held by an agency before, on, or after July 1, 2025. It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill may increase costs minimally for state and local government agencies.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records – Generally

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] The right to inspect or copy 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 related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[3] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[4] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[5]

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 that are used to "perpetuate, communicate, or formalize knowledge of some type."[6]

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[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] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).
[4] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[5] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
[6] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc*., 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any 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]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[9] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[10]

General exemptions from the public records requirements are contained in the Public Records Act.[11] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[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]

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), "home addresses" is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, "telephone numbers" is defined to include home telephone numbers, personal cellular telephone

[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. See, e.g.*, *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).
[11] *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).
[12] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[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).

numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any.

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers[16] and county tax collectors[17] holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.[18]

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.[19]

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.[20] Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling[21] or upon his or her death.[22]

[16] *See* s. 192.001(3), F.S.
[17] *See* s. 192.001(4), F.S.
[18] Section 119.071(4)(d)4., F.S.
[19] Section 119.071(4)(d)3., F.S.
[20] Section 119.071(4)(d)6., F.S.
[21] The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.
[22] A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[23] (the Act), prescribe a legislative review process for newly created or substantially amended[24] public records or open meetings exemptions, with specified exceptions.[25] The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.[26]

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.[27] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the 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 subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;[28]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[29] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[30]

The Act also requires specified questions to be considered during the review process.[31] 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.[32] If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds

[23] Section 119.15, F.S.
[24] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[25] 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.
[26] Section 119.15(3), F.S.
[27] Section 119.15(6)(b), F.S.
[28] Section 119.15(6)(b)1., F.S.
[29] Section 119.15(6)(b)2., F.S.
[30] Section 119.15(6)(b)3., F.S.
[31] 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?

[32] *See generally* s. 119.15, F.S.

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.[33]

Judicial Qualifications Commission

The Judicial Qualifications Commission is an independent state agency[34] created by the State Constitution.[35] It is charged with investigating allegations of judicial misconduct and disability against state judges.[36] It has jurisdiction to review complaints about judges of county and circuit courts and district courts of appeal, as well as justices of the State Supreme Court.[37]

In 1990, the Commission was divided into an investigative panel and a hearing panel.[38] The investigative panel functions much like a grand jury and investigates allegations of judicial misconduct. If probable cause is found and formal charges are filed, then the hearing panel serves as a special master making findings of fact and recommendations to the State Supreme Court as to the appropriate discipline.[39]

The Commission is comprised of 6 judges, 4 members of The Florida Bar, and 5 laypersons selected by the Governor.[40] The chair of the Commission selects 9 members to serve on the investigative panel and 6 members to serve on the hearing panel.[41] The Commission also employs a staff of 3 people, including an executive director, a general counsel, and an assistant general counsel.[42]

Doxing

"Doxing" (sometimes spelled doxxing), short for "dropping documents,"[43] is a type of cyber-harassment where the victim—or "target's"—personal identifiable information is maliciously published and made readily and widely available without the victim's consent.[44] To constitute doxing, the person doxing the target's information—referred to as a doxer—must intend for the target to experience some level of harassment.[45]

While the definition of doxing—specifically in relation to the type of information released (personal identifiable information)—is intentionally broad because "each instance [of doxing]

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[33] Section 119.15(7), F.S.
[34] Florida Judicial Qualifications Commission (FJQC), *Home*, https://floridajqc.com/ (last visited Feb. 10, 2025).
[35] FLA. CONST. art. V, s. 12(a).
[36] FJQC, *Home*, https://floridajqc.com/ (last visited Feb. 10, 2025).
[37] FJQC, *Frequently Asked Questions*, https://floridajqc.com/faq/ (last visited Feb. 10, 2025).
[38] FLA. CONST. art. V, s. 12(b); *see also* FJQC, *About*, https://floridajqc.com/about/ (last visited Feb. 10, 2025).
[39] *Id.*
[40] FLA. CONST. art. V, s. 12(a)(1); *see also* FJQC, *About*, https://floridajqc.com/about/ (last visited Feb. 10, 2025).
[41] FLA. CONST. art. V, s. 12(f)(2); *see also* FJQC, *About*, https://floridajqc.com/about/ (last visited Feb. 10, 2025).
[42] FJQC, *Commission Staff*, https://floridajqc.com/commission-staff/ (last visited Feb. 10, 2025).
[43] *Vangheluwe v. Got News, LLC*, 365 F. Supp. 3d 850, 858 (E.D. Mich. 2019).
[44] Hannah Shankman, *How to Close Pandora's Dox: A Case for the Federal Regulation of Doxing*, 33 UNI. FLA. J.L. & PUB. POL'Y 273, 273, 276, 279-281 (2023); David Cremins, *Defending the Public Quad: Doxxing, Campus Speech Policies, and the First Amendment*, 76 STAN. L. REV. 1813, 1813 (2024); Wolsters Kluwer, CHH Incorp., *Technology/Internet News: Icann Urged To Reject Display of Website Owner Addresses*, 2015 WEST LAW 4082814, July 7, 2025.
[45] Shankman, *supra* note 44 at 279; *see Vangheluwe*, 365 F. Supp. at 859 ("The goal of doxxing is typically retribution, harassment or humiliation." (internal quotation marks and citation omitted)).

does not necessarily involve the same release of information,"[46] at a minimum, the doxed information includes the target's full name.[47] Other information released usually includes the victim's home address and telephone number. Releasing this information may lead to "a wide range of crowdsourced harassment and intimidation."[48] Harassment ranges from relatively innocuous harassment, such as unwanted pizza deliveries, to "barrages of rape and death threats," unrelenting phone calls, stalking, job loss, and becoming "'radioactive' on the job market and unhirable down the line."[49] Depending on the information released, the victim's employers and associates may also suffer a barrage of communications "urg[ing] them to take punitive actions against the target."[50]

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4)(d)2., F.S., to exempt certain information relating to current and former employees of the Judicial Qualifications Commission (Commission) from public records disclosure requirements.[51] The following information will be exempt from public records disclosure:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former employees of the Commission.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former employees of the Commission.
- The names and locations of schools and day care facilities attended by the children of current and former employees of the Commission.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2025.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act[52] and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides the public necessity statement, as required by the State Constitution. The public necessity statement provides that the responsibilities of the Judicial Qualifications Commission include the investigation of allegations of judicial misconduct which are routinely received from criminal and civil litigants who are dissatisfied with adverse results in judicial proceedings. When the Commission, after review and investigation of complaints, does not discipline a judge or does not take the complainant's preferred course of action against a judge, dissatisfied litigants sometimes turn their ire toward Commission employees as part of their campaign against the actions of the judge in the underlying litigation. Employees of the

[46] Shankman, *supra* note 44 at 279.
[47] *Id.*
[48] Wolsters Kluwer, CHH Incorp., *supra* note 44.
[49] *Id.*; Shankman, *supra* note 44 at 276-277, 301.
[50] 1 RIGHTS OF PUBLICITY AND PRIVACY 2D s. 5:78, *Disclosure of private facts form of privacy—Disclosure privacy rights and the First Amendment—Identifying individuals and naming names* (2024).
[51] Section 119.07(1), F.S.; FLA. CONST. art. I, s. 24(a).
[52] *See* s. 119.15, F.S.

Commission have been subject to acts of intimidation by such dissatisfied litigants, including online doxing of staff members, posting of false and defamatory statements concerning employees on social media, threatening e-mails and telephone calls, and inappropriate contact regarding Commission affairs at the personal residences of employees and employees' family members. These acts of intimidation have placed Commission employees in fear of harm by disgruntled litigants who seek punishment of judges by the Commission for unfavorable litigation results. The release of personal identifying and location information of current or former employees of the Commission and their family members may place them at risk of physical harm and harassment. The risk of harm and harassment outweighs any public benefit that may be derived from the public disclosure of such information.

Section 3 provides that the bill takes effect on July 1, 2025.

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, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 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. This bill enacts a new exemption for current and former employees of the Judicial Qualifications Commission and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 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. Section 2 of the bill contains a statement of public necessity for the exemption which provides that, as a result of their responsibilities and duties to the Commission, current and former employees of the Commission and their families may be subject to physical harm and harassment.

Breadth of Exemption

Article I, section 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 current and former Judicial Qualifications Commission employees and their spouses and children from physical harm and harassment that may result from their responsibilities to the Commission. This bill

exempts only current and former Commission employees and their spouses and children from the public records disclosure requirements. The records to a large degree mirror existing exemptions for other sensitive public officers and employees in s. 119.071(4)(d), F.S. The exemption does not appear to be broader than necessary to accomplish the purpose 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 be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may increase costs minimally for agencies holding records that contain personal identifying information of current and former Judicial Qualifications Commission employees and their spouses and children, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 119.071 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.

By Senator Rouson

16-00416A-25 2025302__

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of current and former employees of the Judicial Qualifications Commission and the personal identifying and location information of the spouses and children of such employees; providing for legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

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

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

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

c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and

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

places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of

employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of

compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department

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

of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and

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

locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed

service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators

of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government

Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15

and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z. The home addresses, telephone numbers, dates of birth, and photographs of current and former employees of the Judicial Qualifications Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former employees of the Judicial Qualifications Commission; and the names and locations of schools and day care facilities attended by the children of current and former employees of the Judicial Qualifications Commission are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s.

192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the

exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to

release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current or former employees of the Judicial Qualifications Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current or former employees of the Judicial Qualifications Commission; and the names and locations of schools and day care facilities attended by the children of current or former employees of the Judicial Qualifications Commission be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The responsibilities of the Judicial Qualifications Commission include the investigation of allegations of judicial misconduct which are routinely received from criminal and civil litigants who are dissatisfied with adverse results in judicial proceedings. When the commission, after review and investigation of such complaints, does not discipline a judge or does not take the complainant's preferred course of action against a judge, dissatisfied litigants sometimes turn their ire toward commission employees as part of their campaign against the actions of the judge in the

underlying litigation. Employees of the commission have been subject to acts of intimidation by such dissatisfied litigants, including online doxing of staff members, posting of false and defamatory statements concerning employees on social media, threatening e-mails and telephone calls, and inappropriate contact regarding commission affairs at the personal residences of employees and employees' family members. These acts of intimidation have commission employees in fear of harm by disgruntled litigants who seek punishment of judges by the commission for unfavorable litigation results. The Legislature finds that the release of personal identifying and location information of current or former employees of the Judicial Qualifications Commission and their family members may place them at risk of physical harm and harassment and that the risk of such harm and harassment outweighs any public benefit that may be derived from the public disclosure of such information.

Section 3. This act shall take effect July 1, 2025.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Vice Chair*
Agriculture
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Ethics and Elections
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON
16th District

April 1, 2025

Senator Kathleen Passidomo
Chair, Committee on Rules
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Passidomo,

I write today respectfully requesting SB 300, Public Records/Appellate Court Clerks and their Spouses and Children, and SB 302, Public Records/Judicial Qualifications Commission, be added to the agenda of a forthcoming meeting of the Committee on Rules for consideration. I look forward to the opportunity to present SB 300 and SB 302 to the committee. I am available for any questions you may have about this legislation.

Thank you in advance for the committee's time and consideration.

Sincerely –

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:
❒ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828
❒ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

April 8, 2025
Meeting Date

Committee on Rules
Committee

SB 302
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 | Florida | 32399
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:
State Courts System

☐ 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

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 342
INTRODUCER:	Governmental Oversight and Accountability Committee and Senator Harrell
SUBJECT:	Public Records/Agency for Health Care Administration
DATE:	April 7, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Favorable**
2.	White	McVaney	GO	**Fav/CS**
3.	Smith	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 342 exempts from public records inspection and copying requirements the personal identifying and location information of current and former Agency for Health Care Administration personnel whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency. Specifically, the bill exempts from public records disclosures:

- The home addresses, telephone numbers, dates of birth, and photographs of relevant current and former Agency for Health Care Administration personnel.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of relevant current and former Agency for Health Care Administration personnel.
- The names and locations of schools and day care facilities attended by the children of relevant current and former Agency for Health Care Administration personnel.

This exemption applies to information held by an agency before, on, or after July 1, 2025. It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill may increase costs minimally for state and local government agencies.

The bill provides an effective date of October 1, 2025.

II. Present Situation:

Access to Public Records - Generally

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] The right to inspect or copy 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 related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.[3] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[4] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[5]

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 connections 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 that are used to "perpetuate, communicate, or formalize knowledge of some type."[6]

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[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] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).
[4] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[5] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
[6] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc*., 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any 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]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[9] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[10]

General exemptions from the public records requirements are contained in the Public Records Act.[11] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[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]

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), "home addresses" is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, "telephone numbers" is defined to include home telephone numbers, personal cellular telephone

[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. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).
[11] *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).
[12] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[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).

numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include, but are not limited to, sworn law enforcement personnel and active or former civilian personnel employed by a law enforcement agency;[16] current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;[17] current or former state attorneys;[18] current or former public defenders;[19] county tax collectors;[20] and clerks of a circuit court.[21]

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers[22] and county tax collectors[23] holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.[24]

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.[25]

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.[26] Home

[16] Section 119.071(4)(d)2.a., F.S. This would presumably include elected law enforcement officers such as sheriffs.
[17] Section 119.071(4)(d)2.e., F.S.
[18] Section 119.071(4)(d)2.f., F.S.
[19] Section 119.071(4)(d)2.l., F.S.
[20] Section 119.071(4)(d)2.n., F.S.
[21] Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.
[22] *See* s. 192.001(3), F.S.
[23] *See* s. 192.001(4), F.S.
[24] Section 119.071(4)(d)4., F.S.
[25] Section 119.071(4)(d)3., F.S.
[26] Section 119.071(4)(d)6., F.S.

addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling[27] or upon his or her death.[28]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[29] (the Act), prescribe a legislative review process for newly created or substantially amended[30] public records or open meetings exemptions, with specified exceptions.[31] The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.[32]

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.[33] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the 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 subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;[34]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[35] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[36]

The Act also requires specified questions to be considered during the review process.[37] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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[27] The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

[28] A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.

[29] Section 119.15, F.S.

[30] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

[31] 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.

[32] Section 119.15(3), F.S.

[33] Section 119.15(6)(b), F.S.

[34] Section 119.15(6)(b)1., F.S.

[35] Section 119.15(6)(b)2., F.S.

[36] Section 119.15(6)(b)3., F.S.

[37] 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?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.[38] If the exemption is continued without substantive changes or if the exemption is continued and 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.[39]

Florida Agency for Health Care Administration

Health Care Policy and Oversight

The Agency for Health Care Administration (AHCA) is created in s. 20.42, F.S. It is the chief health policy and planning entity for the state and is responsible for, among other things, health facility licensure, inspection, and regulatory enforcement. It licenses or certifies and regulates over 30 different types of health care providers, including hospitals, nursing homes, assisted living facilities, and home health agencies. In total, the AHCA licenses, certifies, regulates, or provides exemptions for more than 50,000 providers.[40]

Generally applicable provisions of health care provider licensure, including facility inspections and complaints, are addressed in the Health Care Licensing Procedures Act in part II of ch. 408, F.S. Additional chapters or sections in the Florida Statutes provide specific licensure or regulatory requirements pertaining to health care providers in this state.[41]

Section 408.10, F.S., requires the AHCA to make a toll-free telephone number available to the public for the purpose of handling consumer complaints about the quality of care provided in Florida's health care facilities. The AHCA currently accepts complaints through its hotline and on its website through Licensed Health Care Facility Complaint and Unlicensed Health Care Facility Complaint forms.[42] The AHCA's Complaint Administration Unit receives and processes complaints about the quality of care provided in Florida's health care facilities.

Section 408.811, F.S., outlines procedures for authorized AHCA personnel to inspect health care providers and businesses suspected of operating without a license. An authorized AHCA officer or employee may make or cause to be made *any inspection or investigation deemed necessary* by the AHCA to determine the state of compliance with the law and applicable rules. Inspections are generally unannounced, with re-licensure inspections occurring biennially, unless otherwise specified. Providers with a strong regulatory record may be exempt from routine inspections, but at least 10 percent of these providers will still be inspected by the AHCA. Inspections by

- 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?

[38] *See generally* s. 119.15, F.S.
[39] Section 119.15(7), F.S.
[40] See the Agency for Health Care Administration, Health Care Policy and Oversight https://ahca.myflorida.com/health-care-policy-and-oversight (last visited Feb.13, 2025).
[41] See s. 408.802, F.S., for the health care provider types and applicable licensure statutes.
[42] *See* the Agency for Health Care Administration, Complaint Administration Unit https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-field-operations/complaint-administration-unit (last visited Feb.13, 2025).

recognized certifying organizations may substitute for state inspections. Providers must produce requested records for inspection at no cost. If deficiencies are found, they must be corrected within 30 days, and a plan of correction must be submitted within 10 days, if required. Providers must maintain public records of inspection reports for at least three years, and these reports must be made available to clients and prospective clients upon request.

Office of Medicaid Program Integrity

The AHCA is also responsible for the administration of the Florida Medicaid program, authorized under Title XIX of the Social Security Act.[43] This authority includes establishing and maintaining a Medicaid state plan approved by the Centers for Medicare & Medicaid Services (CMS) and maintaining any Medicaid waivers needed to operate the Florida Medicaid program as directed by the Legislature.[44]

The Medicaid program is funded with both state and federal tax dollars, and both the states and the federal government have an interest in curbing and investigating Medicaid fraud and recovering overpayments made by the government for improper services. Medicaid fraud means an intentional deception or misrepresentation made by a health care provider or a Medicaid recipient with the knowledge that the deception could result in some unauthorized benefit to him or herself or some other person.[45]

Most providers who commit Medicaid fraud fall into one or more of these categories:
- Billing for patients who did not really receive services,
- Billing for a service and/or equipment that wasn't provided,
- Billing for items and services that the patient no longer needs,
- Overcharging for equipment or services,
- Concealing ownership or associations in a related company,
- Paying a "kickback" in exchange for a referral for medical services or equipment,
- Billing more than once for the same service,
- Using false credentials such as diplomas, licenses or certifications, or
- Ordering tests or prescriptions that the patient does not need.[46]

The AHCA's Office of Medicaid Program Integrity audits and investigates providers suspected of overbilling or defrauding Florida's Medicaid program, recovers overpayments, issues administrative sanctions, and refers cases of suspected fraud for criminal investigation.[47]

[43] Section 409.902, F.S.
[44] Medicaid.gov, Medicaid State Plan Amendments, available at https://www.medicaid.gov/medicaid/medicaid-state-plan-amendments/index.html (last visited Feb. 13, 2025).
[45] *See* the Agency for Health Care Administration, Medicaid Fraud: Protect Your Tax Dollars https://ahca.myflorida.com/agency-administration/office-of-inspector-general/medicaid-fraud-protect-your-tax-dollars (last visited Feb.13, 2025).
[46] *Id.*
[47] *See* the Agency for Health Care Administration, Office of Medicaid Program Integrity https://ahca.myflorida.com/health-care-policy-and-oversight/office-of-medicaid-program-integrity (last visited Feb.13, 2025).

III. Effect of Proposed Changes:

Section 1 exempts from public records disclosure requirements of s. 119.07(1), F.S. and Article I, Section 24(a) of the State Constitution the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the AHCA whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and
- The names and locations of schools and day care facilities attended by the children of such personnel.

This exemption will apply to the specified personal identifying information held by state agencies before, on, and after the effective date of the bill.

These exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

At present, the agency estimates that a total of 421 current investigative staff positions would be included in this exemption. This number is fluid and will change over time due to new hires and staff changes.[48]

Section 2 of the bill provides, as required by the State Constitution, a statement of public necessity. It states that the release of such personal identifying and location information might place the AHCA's current or former personnel and their family members in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel or whose business or professional practices have come under scrutiny as a result of such investigations and AHCA actions.

Under the bill, the Legislature finds that the potential for harm outweighs any public benefit that may be derived from the disclosure of such personal identifying and location information.

Section 3 of the bill provides an effective date of October 1, 2025.

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, or reduce the percentage of state tax shared with counties or municipalities.

[48] Agency for Health Care Administration, Senate Bill 342 Legislative Analysis (Feb. 12, 2025) (on file with the Senate Committee on Health Policy).

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 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. This bill enacts a new exemption for certain personal identifying and locating information of relevant current and former AHCA personnel and their spouses and children. Thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 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. Section 2 of the bill contains a statement of public necessity for the exemption which provides that the AHCA's current or former personnel and their family members are in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel or whose business or professional practices have come under scrutiny as a result of such investigations.

Breadth of Exemption

Article I, section 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 current and former agency personnel, and their spouse and children, from physical and emotional harm. This bill exempts only their personal identifying and location information from the public records requirements. The records to a large degree mirror existing exemptions for other sensitive public officers and employees in s. 119.071(4)(d), F.S. The exemption does not appear to be broader than necessary to accomplish the purpose 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 be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may cause a minimal increase in workload on agencies holding records that contain personal identifying information of public officers as well as their spouses and children because staff responsible for complying with public record requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the workload will likely be absorbed within current resources.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 119.071 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 by Governmental Oversight and Accountability on April 1, 2025:
The committee substitute clarifies in the bill's title that the exemption will have retroactive effect.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability; and Senator Harrell

585-03128-25 2025342c1

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of certain current or former personnel of the Agency for Health Care Administration and the names and personal identifying and location information of the spouses and children of such personnel; providing for future legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

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

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

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c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and

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

places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of

employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of

compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department

of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and

locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed

service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators

of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government

Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15

and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Agency for Health Care Administration whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s.

192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information

held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise

prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Agency for Health Care Administration whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of such personal identifying and location information might place the agency's current or former personnel and their family members in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel or whose business or professional practices have come under scrutiny as a result of such investigations and agency actions.

The Legislature further finds that the harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect October 1, 2025.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Higher Education, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Education Postsecondary
Environment and Natural Resources
Rules

SENATOR GAYLE HARRELL
31st District

April 1, 2025

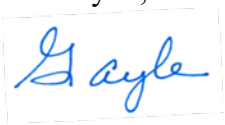
Senator Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I respectfully request that SB 342 – Public Records for Agency for Health Care Administration be placed on an agenda for the Rules Committee.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,



Senator Gayle Harrell
Senate District 31

Cc: Tom Yeatman, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:
❒ 312 SE Denver Avenue, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
❒ 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

April 8, 2025
Meeting Date

Rules Committee
Committee

342
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jim Browne

Phone (888) 419-3456

Address 2727 Mahan Drive
Street

Email LegAffairs@ahca.myflorida.com

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:
AHCA

☐ 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

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 498
INTRODUCER:	Rules Committee; Banking and Insurance Committee; Judiciary Committee and Senator Grall
SUBJECT:	Trust Fund Interest for Purposes Approved by the Supreme Court
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	**Fav/CS**
2.	Johnson	Knudson	BI	**Fav/CS**
3.	Davis	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 498 establishes the interest rate or dividend that a financial institution must pay on certain lawyer or law firm trust accounts. The interest rate or dividend is at least the highest rate or dividend generally available from the institution to its comparable business or consumer accounts. The bill establishes a floor such that the interest rate must be at least 0.25 percent if the Federal Funds Effective Rate is less than 4 percent and must be at least 0.5 percent if the Federals Funds Effective Rate is 4 percent or greater.

These accounts are currently known as interest on trust accounts program or IOTA accounts. The accounts generate interest or dividends that fund a foundation established by the Supreme Court and The Florida Bar named Funding Florida Legal Aid (FFLA). The foundation provides free legal services to low-income individuals and supports other purposes authorized by the Court.

The Florida Bar Rules, however, have set criteria to determine whether a financial institution is eligible to participate in the Interest on Trust Accounts (IOTA) program. One of the eligibility criteria is the minimum interest rate that must be paid by participating financial institutions. According to the Rules, when the Wall Street Journal Prime Rate (indexed rate) is between 3.25 and 4.99 percent, the minimum yield or interest rate paid net of all fees and service charges must be no less than 3.00 percent below the indexed rate. When the indexed rate is 5.00 percent or above, the yield must be no less than 40 percent of the indexed rate in effect on the first business day of each month.

Accordingly, the interest rates on trust accounts established by the bill are inconsistent with those that are part of the eligibility criteria established by rules of The Florida Bar to participate in the IOTA program. If the rates established by the bill are found by the courts to be a regulation of banking, not the practice of law, the bill will likely require The Florida Bar to revise its eligibility criteria for financial institutions to participate in the lawyer or law firm trust account program.

The minimum interest rate or dividend mandated by the bill does not apply to interest rates that are established by written contract or obligations that are unrelated to the trust accounts described in this bill.

The bill takes effect upon becoming law.

II. Present Situation:

The Jurisdiction of the Florida Supreme Court, The Florida Bar, and the IOTA Program

The central issue in this legislation involves weighing the competing needs of The Florida Bar foundation to fund its legal aid programs against the ability of banking institutions to pay sufficient and sustainable interest rates that fund the foundation's legal aid programs. Both organizations estimate that between $9 and $10 billion is deposited annually into IOTA accounts at banking institutions.

The State Constitution grants exclusive jurisdiction to the Florida Supreme Court to regulate the admission of people to practice law in the state. The Court also has exclusive jurisdiction to discipline those people once they are admitted to practice law.[1] Florida is a mandatory bar state and all members who are admitted to practice in Florida must be members of The Florida Bar.[2]

The Florida Supreme Court has established the "authority and responsibilities of The Florida Bar" in the *Rules Regulating the Florida Bar*.[3] Chapter 5 contains the "Rules Regulating Trust Accounts," which all attorneys who maintain trust accounts must abide by. Funds that are placed in an attorney's trust account produce interest income exclusively for the IOTA program. The interest-producing program generates millions of dollars in interest each year. Once generated, the interest funds are swept by The Florida Bar directly into the Bar's foundation, Funding Florida Legal Aid.

The Florida Bar created the non-profit, tax-exempt corporation, The Florida Bar Foundation (Foundation), in 1956, and subsequently changed the name of the Foundation to Funding Florida Legal Aid in 2023. The Foundation functions to increase legal access for people with limited means by funding legal services, developing programs, and supporting legal aid providers selected by the foundation for grant awards. The Foundation's primary financial support comes

[1] FLA. CONST. art. V, s. 15. The Court conducts these official functions through two separate entities: the Florida Board of Bar Examiners and The Florida Bar.
[2] The Florida Bar, *Frequently Asked Questions*, https://www.floridabar.org/about/faq/ (last visited March 7, 2025).
[3] The Florida Bar, *Rules Regulating the Florida Bar*, https://www-media.floridabar.org/uploads/2025/02/2025_06-DEC-RRTFB-12-30-2024.pdf. The Rules are divided into 21 chapters consisting of 807 pages.

from the IOTA program, but donations are also received from attorneys, law firms, corporations, foundations, and individuals.[4]

It is important to note that, while the IOTA program is *mandatory* for attorneys, it is technically *voluntary* for banks to participate in the program.

Interest on Trust Accounts (IOTA) Program and Funding Florida Legal Aid (FFLA)

Background on Attorney Trust Accounts

A trust account is a short-term account set up by an attorney in which he or she deposits funds on behalf of a client. The account generally contains funds that are combined such as a retainer payment, discovery or litigation costs paid in advance, filing fees, or a settlement award. The amount of money in the account changes often because deposits and withdrawals are made frequently. These fees may not be commingled with an attorney's operating account but must be kept separately.

A trust account has been described as an "unusual" creation that is significantly different from other accounts. Although an attorney opens the account and is responsible for managing the funds in the account, he or she is not the owner of the funds.[5] While an attorney is not the owner of the account, and therefore not entitled to interest generated by the account, neither is the client entitled to interest generated by the funds. The U.S. Court of Appeals for the Eleventh Circuit issued a decision in 1987 determining that a client was not entitled to the interest generated in a trust account.[6]

How the accounts may be regulated or restricted has presented a quandary for almost 200 years. The earliest attempt to regulate trust accounts can be traced to the Legislative Council of the Territory of Florida in 1828. In 1936, the Florida Supreme Court incorporated the regulation of trust accounts into the Court's rules. Additional measures were adopted over the years to ensure that attorneys, acting as "trustees" would not misuse their clients' funds or neglect to return them when requested to do so by the client.[7]

The Evolution of Interest Earned on Trust Accounts

Trust accounts have evolved from simple accounts that earned no interest and benefitted no one in particular to today's accounts in which The Florida Bar, with Florida Supreme Court approval, mandates participation by attorneys, establishes the interest rates, and requires that the interest be remitted to The Florida Bar's foundation, Funding Florida Legal Aid.

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[4] FFLA, Funding Florida Legal Aid, *Leadership and Funding for Justice in Florida*, *https://fundingfla.org/about-ffla/ffla-overview/* (last visited March 7, 2025).
[5] *In re* Amendments to the Rules Regulating the Florida Bar-Miscellaneous: The Florida Bar's Response to the Florida Bankers Association's Motion for Rehearing, Case No. SC22-1292 (April 14, 2023), https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/a8e413ea-a6d4-417f-a1b0-2536bb7c9292 (last visited Mar. 27, 2025).
[6] *Cone v. State Bar of Florida*, 819 F.2d 1002 (11th Cir. 1987).
[7] *A Petition of Florida Bar*, 356 So. 2d 799 (Mem), 800-801 (Fla. 1978). (The lengthier case style *is In re Interest on Trust Accounts, A Petition of The Florida Bar to Amend the Code of Professional Responsibility and the Rules Governing the Practice of Law*.)

For many years, attorneys deposited their clients' funds in non-interest-bearing checking accounts because trying to apportion multiple clients' interest earnings on short-term deposits was too complex. However, in 1978 and in response to a petition by The Florida Bar,[8] the Florida Supreme Court amended the Bar rules and authorized attorneys to invest trust funds held for their clients to generate investment income that would, among other things, provide legal aid to the poor and help provide student loans.[9] Participation in the program would be voluntary. The interest payments would be transmitted directly from the financial institutions to The Florida Bar Foundation. In implementing these changes, Florida became the first state in the nation to adopt an interest on trust accounts program, commonly called IOTA.[10] After several adjustments were made, the program became operational in 1981 and permitted *voluntary* participation by attorneys and their firms.[11] In 1989, the Rules were amended and participation in the program became *mandatory* for all attorneys.[12]

The next significant development occurred in 2001 when the trust account rules were amended to define financial institutions that are eligible to hold IOTA accounts. These eligible institutions were limited to the institutions that pay IOTA account depositors "the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance" or other eligibility requirements. In essence, The Florida Bar Foundation was asking that IOTA accounts be placed on an equal par with non-IOTA accounts in an institution.[13] Financial institutions may impose charges and fees on IOTA accounts, as described below.[14]

It is worth noting that these rules are not found in the Florida Statutes, but are rules adopted by The Florida Bar and approved by the Florida Supreme Court.

The following charges and fees have been defined as "reasonable" and are the only service charges or fees permitted to be deducted from interest earned on IOTA accounts. These service charges or fees may be deducted from IOTA account interest only at such rates and under such circumstances as is the financial institution's customary practice for all its interest-bearing checking account customers:

- Per check charge.
- Per deposit charge.
- Fee in lieu of minimum balance.
- Federal deposit insurance fee.

[8] More specifically, the petition to amend the rules was brought by the Board of Governors of The Florida Bar with the concurrence of the Board of Directors of The Florida Bar Foundation.
[9] *In re* Interest on Trust Accounts, A Petition of The Florida Bar, 356 So. 2d 799 (Mem) (Fla. 1978).
[10] *Id.* at 800-801.
[11] It should be noted that the establishment of IOTA or IOLTA (Interest on Lawyers' Trust Accounts as they are called in other states) was possible only after Congress made changes to federal banking laws in 1980 that allowed certain checking accounts to pay interest. American Bar Association, *Interest on Lawyers' Trust Accounts*, https://www.americanbar.org/groups/interest_lawyers_trust_accounts/overview/ (last visited Mar. 27, 2025). See also *Matter of Interest on Trust Accounts,* 402 So. 2d 389 (Mem) (Fla. 1981).
[12] *Matter of Interest on Trust Accounts: Petition to Amend the Rules Regulating the Florida Bar*, 538 So. 2d 448, 449-450, (Fla. 1989).
[13] *Amendment to Rules Regulating the Florida Bar—Rule 5-1.1(e)--IOTA*, 797 So. 2d 551 (Fla. 2001).
[14] Funding Florida Legal Aid, Iota, for Lawyers and Law Firms, https://fundingfla.org/iota/attorneys-lawfirms/ (last visited Mar. 24, 2025).

Financial institutions also may recoup special costs for their participation in IOTA through deduction of a reasonable IOTA handling or administrative fee.[15]

2023 Amendments to Interest on Trust Accounts Rule

The Florida Bar's Position

The Florida Bar petitioned the Court on October 3, 2022, to once again amend the IOTA rules. The stated goal of the proposed amendments was to "include all possible accounts that can be used as trust accounts" and "ensure the highest possible interest is available for IOTA accounts."[16] The net effect of these amendments would be to increase funding to the Bar's legal aid funding organization, Funding Florida Legal Aid.

On March 16, 2023, the Florida Supreme Court adopted amendments to *Rules Regulating The Florida Bar*, including provisions regulating trust fund accounts. The amendments:

- Expand the definition of an interest or dividend-bearing account to include a business or consumer deposit account, non-maturing deposit, an investment product, a daily financial institution repurchase agreement or a money market account.[17]
- Require eligible institutions to maintain IOTA accounts that pay the highest interest rate or dividend generally available from the institution to its non-IOTA business or consumer account customers when IOTA accounts meet or exceed the same minimum balance qualifications.[18]
- Mandate that eligible institutions tie minimum interest rates for IOTA accounts to the Wall Street Journal Prime Rate (indexed rate).[19]

The formula to determine interest rates and dividends based on the Wall Street Journal Prime Rate is described by the amendments as follows:

> When the Wall Street Journal Prime Rate ("indexed rate") is between 325 and 499 basis points (3.25% and 4.99%), the minimum interest rate paid net of all fees and service charges ("yield") must be no less than 300 basis points (3.00%) below the indexed rate in effect on the first business day of each month. When the indexed rate is 500 basis points (5.00%) or above, the yield must be no less than 40% of the indexed rate in effect on the first business day of each month.[20]

The Wall Street Journal Prime Rate is a lending rate. [21] To establish this rate, the Wall Street Journal regularly surveys the 30 largest banks in the United States to determine what interest rate

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[15] *Id.*
[16] *In re* Amendments to the Rules Regulating the Florida Bar – Miscellaneous*:* Petition to Amend the Rules Regulating the Florida Bar, Case No. SC2022-1292 (10/03/2022), https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/60ddf5a7-6ae4-425a-a90b-2cebcc635bd0 (last visited Mar. 27, 2025).
[17] R. Regulating Fla. Bar Rule 5-1.1(g)(1)(E).
[18] R. Regulating Fla. Bar Rule 5-1.1(g)(5)(A).
[19] R. Regulating Fla. Bar Rule 5-1.1(g)(5)(B).
[20] *Id.*
[21] Fulton Bank, *What Is Wall Street Journal Prime Rate and Why It Matters* https://www.fultonbank.com/Education-Center/Managing-Credit-and-Debt/Prime-rate-and-why-it-matters (last visited March 7, 2025).

they are charging their customers with the highest-rated credit for short-term loans.[22] When 75 percent of the 30 banks change their prime rate, the Wall Street Journal changes its rate.[23] As of March 5, 2025, the Wall Street Journal Prime Rate is 7.5 percent.[24]

In a January 16, 2024, article published in the *Florida Bar News*, the amended rule was explained this way:

> For instance, under the amended rule, when prime rate is between 3.25% and 5%, then the trust account rate banks pay out is between .25% and 2%, a 3% gain. After that the gains get even better for banks. At a 7% interest rate, for example, banks will pay out 2.8%, a 4.2% gain.[25]

Another article explained the rule change in these terms:

> As a result of this change, for a financial institution to be eligible to participate in the program, it must pay a minimum interest rate of 3.00% when the Wall Street Journal Prime Rate (index rate) is between 3.25% and 4.99%. When the index rate is above 5.00%, to stay eligible, financial institutions are required to pay a minimum interest rate equal to 40% of the index rate.[26]

Florida Bankers Association's Opposition and Challenge to the 2023 Rule Amendments

One criticism of the amended rule is that the Wall Street Journal Prime Rate is a benchmark for *lending purposes* and is not used to set *deposit* account interest rates. As a result, the interest rate is significantly higher than interest rates paid for other deposits.

The Florida Bankers Association (FBA) filed a motion for rehearing on March 31, 2023, stating that it did not receive adequate or meaningful notice of the proposed IOTA amendments.[27] The FBA contended that the amended rules, while admirable, would "have a significant and negative impact on participating banks" and go far beyond its intended purpose. The FBA argued that basing the interest rate for IOTA accounts on the Wall Street Journal's Prime Rate would mean that the minimum interest paid on IOTA accounts would be significantly higher than any other interest rate offered by a bank on consumer or business accounts. The FBA also argued that the judicial branch had violated the separation of powers doctrine and encroached impermissibly on the executive branch's power to regulate banks through the Office of Financial Regulation, the Department of Financial Services, and the Financial Services Commission.

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[22] Bankrate, Wall Street Journal Prime rate (Mar. 18, 2025), Wall Street Prime Rate | WSJ Current Prime Rate Index (last visited Mar. 24, 2025).
[23] *Id.*
[24] The Wall Street Journal, *WSJ-Markets*, https://www.wsj.com/market-data/bonds (last visited March 5, 2025).
[25] Florida Bar News, *Measure Would Have Florida's CFO Set the Rate Paid on Iota Accounts* (Jan. 16, 2024) https://www.floridabar.org/the-florida-bar-news/measure-would-have-floridas-cfo-set-the-rate-paid-on-iota-accounts/ (last visited Mar. 27, 2025).
[26] The Bank of Tampa, *Invested in You*, https://www.bankoftampa.com/iota/ (last visited March 7, 2025).
[27] *In re*: Amendments to Rules Regulating the Florida Bar 5-1.1; Florida Bankers Association's Motion), Case No. SC22- 1292 (Mar. 31, 2023), 70f6bc15-9b6e-41b5-8c56-65db9b750a31 (flcourts.gov) (last visited Mar. 27, 2025).

The new rule became effective on May 15, 2023, and remains in effect. The Court allowed comments from interested parties until November 1, 2023, and directed The Florida Bar to file a report on the status of the implementation of the rules.

Negotiation Attempts Have Failed to Reach a Compromise

According to documents filed in the Florida Supreme Court, the Florida Bankers Association and The Florida Bar have attempted for months to reach a compromise rate that is agreeable to both parties. This has resulted in an impasse and no compromise has been reached.[28] On August 7, 2024, the Court denied the Florida Bankers Association's motion for rehearing.

IOTA Data for Funding Florida Legal Aid

Amounts Received by FFLA From the IOTA Program

Funding Florida Legal Aid supplied the information below on remittances from the IOTA accounts. The fiscal year begins July 1 and ends June 30 of the following year.

FY 2018-19	$12,711,423
FY 2019-20	$16,233,686
FY 2020-21	$7,749,737
FY 2021-22	$9,498,692
FY 2022-23	$45,547,390
FY 2023-24	$279,656,155

Information for FY 2024-25 is only partially complete. However, for remittances received from July 2024 through January 2025, FFLA reports total receipts of $155,378,419.[29] It is significant to note that the IOTA collections increased by $234,108,765 between fiscal year 2022-23 and fiscal year 2023-24. This is due to the newly implemented funding formula authorized by the Supreme Court in May 2023 for the benefit of the Foundation.[30]

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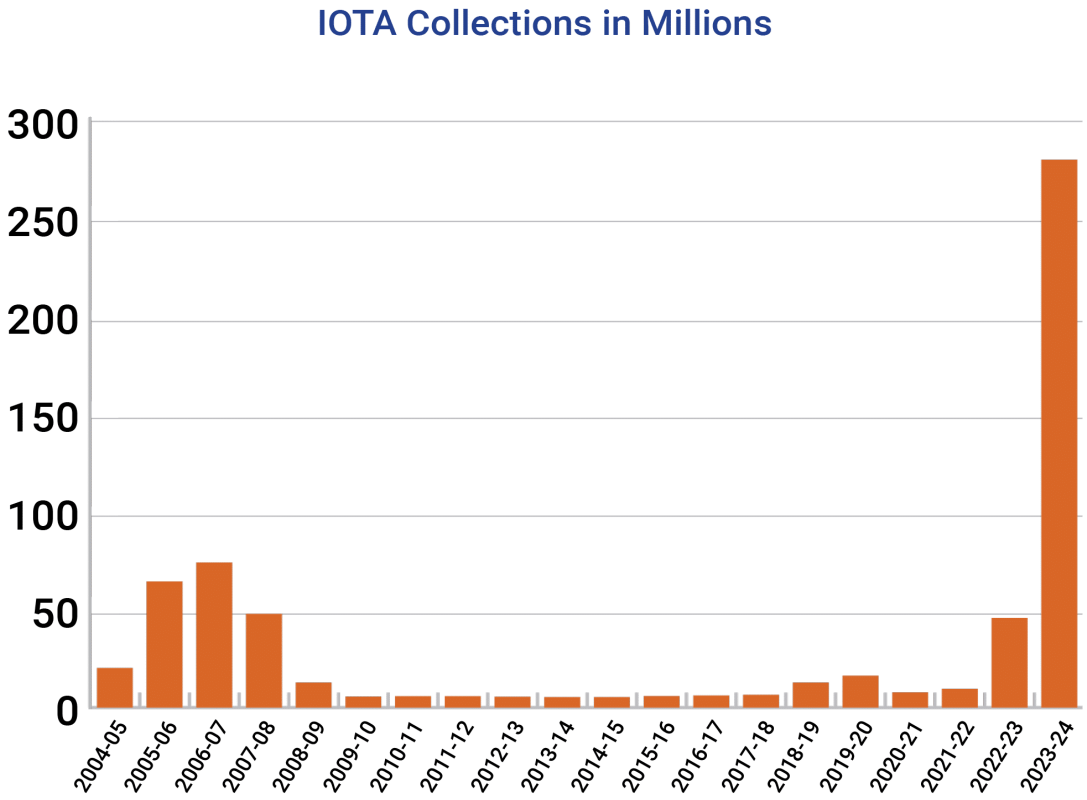
[28] *In re* Amendments to the Rules Regulating the Florida Bar, The Florida Bankers Association's Comment to the Florida Bar's Report on Implementation Status, Case No: SC2022-1292, https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/f5381851-24da-4ff6-932d-487a9ca0b99c (last visited Mar. 27, 2025).

[29] Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid (Feb. 19, 2025) (on file with the Senate Committee on Banking and Insurance).

[30] *In re* Amendments to the Rules Regulating the Florida Bar – Miscellaneous*:* The Florida Bar's Report on Implementation Status (April 2, 2024) Case No: SC2022-1292, https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/e5b1ae2c-d317-4a98-8c2e-79231698b18d (last visited Mar. 27, 2025).

The FFLA shows with the chart below how the annual revenue collections through the IOTA program have changed over the years.[31]



Participating Banking Institutions and IOTA Program Accounts

The number of financial institutions participating in the IOTA program has not changed significantly since the interest formula was amended in May 2023.

April 2023	151[32]
December 2023	162[33]
December 2024	170[34]

According to the FFLA, the program has grown by a net of 16 banks since the IOTA interest formula was amended in 2023.[35] Four banks have withdrawn from the program since the

[31] Florida Funding Legal Aid, Financial Stewardship, https://fundingfla.org/about-ffla/ffla-finances/ (last visited March 10, 2025).
[32] Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid (Mar. 27, 2025) (on file with Senate Committee on Banking and Insurance).
[33] Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid, *SB 498 Fiscal Analysis from FFLA* (Feb. 19, 2025) (on file with the Senate Committee on Banking and Insurance).
[34] *Id.*
[35] *Id.*

adoption of the 2023 IOTA amendment.[36] The number of trust accounts in the FFLA system as of January 2025 is 33,823.[37]

Receipts and Disbursements by Funding Florida Legal Aid

Funding Florida Legal Aid received $279,656,155 in IOTA collections for the fiscal year ending June 30, 2024. The Court granted FFLA's request to distribute $94,832,278 to qualified organizations and place the remaining $142,875,455 in reserve for the benefit of present and future organizations. The Court found the proposed distribution and additional reserve amount was "reasonably prudent to promote stability in distribution of IOTA funds." According to the Court's administrative order, this represents a 145 percent increase over the previous year's distribution.[38]

Trust Account Programs in Other States

According to the American Bar Association (ABA), interest paid on trust account programs, sometimes called IOLTA, or Interest on Lawyers' Trust Accounts, are found in all 50 states, Washington, D.C., Puerto Rico, and the U.S. Virgin Islands. The ABA estimates that, since 1981, these programs have generated over $4 billion to fund legal services for people living in poverty, often through legal aid and pro bono programs.[39] According to the Foundation, most states that have a safe harbor rate, have rates that range from 50 - 55 percent of the Federal Funds Target Rate(FFR) up to one percent of the FFR.[40]

Chief Financial Officer

The State Constitution provides that the Chief Financial Officer (CFO) serves as the chief fiscal officer of the state. He or she is a member of the cabinet and is responsible for settling and approving accounts against the state and keeping all state funds and securities.[41] The CFO serves as the head of the Department of Financial Services (DFS).[42]

Additionally, the CFO is required by statute to set the rate of interest that will be payable on judgments or decrees for the calendar quarter beginning January 1 each year. The CFO must adjust the rate quarterly on April 1, July 1, and October 1, by averaging the discount rate of the Federal Reserve Bank of New York for the preceding 12 months, then adding 400 basis points to

[36] *Id.*
[37] *Id.*
[38] *In Re: FFLA-FY 2023-24 IOTA Collections, Request for Approval of Additional Reserve Amount*, No. AOSC24-70, (Oct. 4, 2024) https://supremecourt.flcourts.gov/content/download/2441648/file/AOSC24-70.pdf.
[39] American Bar Association, *Interest on Lawyers' Trust Accounts, Overview, The Impact of IOLTA*, https://www.americanbar.org/groups/interest_lawyers_trust_accounts/overview/.
[40] Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid, *SB 498 Fiscal Analysis from FFLA* (March 5, 2025) (on file with the Senate Committee on Banking and Insurance).
[41] FLA. CONST. art. IV, s. 4(c).
[42] Section 20.121(1), F.S.

the average federal discount rate.[43] As of January 1, 2025, the annual interest rate is 9.38 percent.[44]

Financial Services Commission

The Financial Services Commission (commission) is composed of the Governor, the Attorney General, the CFO, and the Commissioner of Agriculture.[45] Commission members serve as the agency head for purposes of rulemaking under ch. 120, F.S.[46] The Office of Financial Regulation (OFR) and the Office of Insurance Regulation (OIR)[47] are units under the commission.[48] Each director or commissioner of the OIR and OFR, respectively, is the agency head for purposes of final agency action under chapter 120, F.S., for all areas within the regulatory authority delegated to the director's office.[49]

State and Federal Regulation of Financial Institutions

The OFR regulates state-chartered banks, credit unions, other financial institutions, finance companies, and the securities industry.[50] The Division of Financial Institutions within OFR charters, licenses, and regulates various entities that engage in financial institution business in Florida, in accordance with the Financial Institutions Code.[51]

Under the dual banking system in the United States, banks may be chartered under either state or federal law:

- *State-chartered banks*[52] are chartered under the laws of the state in which the bank is headquartered. State-chartered banks have both a state regulator, which for banks chartered by the state of Florida is the OFR, and a federal regulator. The primary federal regulator for state banks that are members of the Federal Reserve System is the Board of Governors of the Federal Reserve System, and the primary federal regulator for non-member state banks is the Federal Deposit Insurance Corporation.[53]

[43] Section 55.03(1), F.S.
[44] My Florida CFO, *Current Judgment Interest Rates*, https://myfloridacfo.com/division/aa/audits-reports/judgment-interest-rates (last visited March 4, 2025).
[45] Section 20.121(3), F.S.
[46] Section 20.121(3)(c), F.S
[47] Pursuant to s. 20.121(3)(a)1., F.S., the OIR is responsible for all activities concerning health maintenance organizations, life and health insurers, property and casualty 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 under the Florida Insurance Code.
[48] Section 20.121(3)(a), F.S.
[49] Section 20.121(3)(c), F.S.
[50] Section 20.121(3)(a)2., F.S.
[51] Pursuant to s. 655.005(1)(k), F.S., the term, "financial institutions code," means chs. 655, 657, 658, 660, 662, 663, 665, and 667, F.S.
[52] Like banks, credit unions can be organized under a state or federal charter. The National Credit Union Administration is an independent federal agency that insures deposits at federally insured credit unions, protects the members who own credit unions, and charters and regulates federal credit unions. 12 U.S.C. § 1753.
[53] 12 U.S.C. § 1813(q).

- *National banks*[54] are chartered by the Office of the Comptroller of the Currency (OCC) under the National Bank Act.[55] As such, the OCC is the primary federal regulator for national banks.[56]

III. Effect of Proposed Changes:

The bill establishes the interest rate that financial institutions must provide when paying interest or dividends on certain lawyer or law firm trust accounts. The interest or dividends will be remitted to an entity established by the Florida Supreme Court that facilitates free legal services to low-income people or a program that is consistent with other court-authorized purposes.

A financial institution that holds one of these trust accounts must pay at least the highest interest rate or dividend that is generally available to its comparable business or consumer accounts or nonmaturing deposit accounts if the trust account meets or exceeds the same minimum balance or other account requirements. However, the interest rate must be at least 0.25 percent if the Federal Funds Effective Rate is less than 4 percent and must be at least 0.5 percent if the Federal Funds Effective Rate is 4 percent or greater. The Federal Funds Effective Rate "is the interest rate at which depository institutions trade federal funds (balances held at Federal Reserve Banks) with each other overnight."[57] Explained more simply, when one bank has an excess amount of cash, or liquidity, it will lend to another bank that quickly needs more cash. The interest rate that the borrowing bank pays to the lending bank is decided upon or negotiated between the banks. The weighted average interest rate for all of these types of transactions between banks is called the effective federal funds rate.[58]

The financial institution must submit a rate validation sheet and affidavit to the Chief Financial Officer by the tenth day of each quarter attesting that it will pay the required interest rates stated above. The affidavit must attest that the rate information submitted on the rate validation sheet is true and factual. The Chief Financial Officer must verify that the rate validation sheet and affidavit have been received by the Department of Financial Services.

The minimum interest rate or dividend required by the bill does not apply to interest rates that have been established by written contracts or obligations unrelated to the trust accounts described in this bill.

The bill takes effect upon becoming law.

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[54] National banks are authorized to exercise "all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes." 12 U.S.C. § 24 (Seventh).
[55] 12 U.S.C. § 38.
[56] 12 U.S.C. § 1813(q).
[57] *Federal Funds Effective Rate*, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/FEDFUNDS (updated April 1, 2025) (last visited April 8, 2025).
[58] *Id*.

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:

Separation of Powers

The State Constitution divides the powers of state government into three branches: the legislative, executive, and judicial branches. The Constitution prohibits a person in one branch from exercising any powers that belong to the other two branches of government unless it is expressly provided.[59]

The Florida Supreme Court, under s. 15 of Article V of the State Constitution, has the "exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted." The Supreme Court exercises this responsibility through The Florida Bar and its rules. If the bill is determined to be a regulation of attorneys or the practice of law, it may be declared unconstitutional.

Federal Preemption/Regulation of Federally Chartered Financial Institutions

The bill creates s. 655.97, F.S., within the Financial Institutions Code (code).[60] The code generally applies to the regulation of state-chartered financial institutions by the Office of Financial Regulation. The provisions of the bill require any financial institution holding a trust account of a lawyer or law firm to pay the interest rate prescribed in the bill and submit a rate validation sheet and affidavit each quarter to the Chief Financial Officer (CFO). Chapter 17, F.S, prescribes the duties of the CFO.

The National Banking Act was enacted by Congress to facilitate a national banking system.[61] The Office of the Comptroller of the Currency is the federal agency charged

[59] FLA. CONST. art. II, s. 3.
[60] Chs. 655, 657, 658, 660,662,663, 665, and 667, F.S.
[61] *Marquette Nat'l Bank of Minneapolis v. First of Omaha Serv. Corp.,* 439 U.S. 299, 315 (1978).

with regulating national banks and savings associations.[62] The National Credit Union Administration is an independent federal agency that insures deposits at federally insured credit unions, protects the members who own credit unions, and charters and regulates federal credit unions. It is unclear whether the regulation of rates of interest on trust accounts within the code would be applicable to federally chartered financial institutions, such as national banks, savings associations, or credit unions.

The U.S. Supreme Court has reviewed the federal constitutional foundations of the national banking system, and reaffirmed that national bank powers are not normally limited by state law.[63] The Court concluded that "where Congress has not expressly conditioned the grant of 'power' upon a grant of state permission, the Court has ordinarily found that no such condition applies."[64] Further, in another case, the Court concluded, "We find no indication that Congress intended to make this phase of national banking [deposit-taking] subject to local restrictions, as it has done by express language in several other instances."[65]

If the bill is determined to be a regulation of financial institutions, The Florida Bar may be required to revise its rules governing the obligations of attorneys to establish IOTA accounts or the eligibility of financial institutions to participate in the IOTA program. However, federal law may preempt the application of the bill to the regulation of federally chartered financial institutions. The OFR does not have primary regulatory authority over nationally chartered institutions.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The interest rates prescribed in the bill will result in the financial institution not providing an interest rate that meets the higher interest rate required by the Florida Bar Rules for attorneys. As a result, financial institutions participating in the program may see greater profits under this bill, be able to pay higher interest rates to other customers, or charge lower fees for services. In contrast, Funding Florida Legal Aid will likely see a significant reduction in the interest revenue it receives to fund its legal aid programs and other authorized programs.

[62] 12 USC s. 1 *et seq.*
[63] *Barnett Bank of Marion County, N.A. v. Nelson*, 517 U.S. 25, 32 (1996) (The history of the legal concept of national bank powers "is one of interpreting grants of both enumerated and incidental "powers" to national banks as grants of authority not normally limited by, but rather ordinarily preempting, contrary state law.). See also *Franklin Nat'l Bank v. New York*, 347 U.S. 373 (1954).
[64] *Barnett*, 517 U.S. at 34.
[65] See also Franklin Nat'l Bank v. New York, 347 U.S. 373 (1954).

C. Government Sector Impact:

Indeterminate. The financial institution filings submitted to the CFO under this bill could be subject to OFR review during the normal course of a state-chartered financial institution examination. This would be similar to the current practice of OFR collecting and examining DFS pledge worksheets completed by institutions relating to public deposits.

VI. Technical Deficiencies:

Regulation of Financial Institutions

The bill requires the Chief Financial Officer to verify that the rate validation sheet and affidavit have been received by the Department of Financial Services. It is unclear whether the Legislature can regulate federally chartered financial institutions, which are not subject to regulation by the Office of Financial Regulation (OFR). Further, the CFO does not appear to have regulatory jurisdiction of state-chartered financial institutions, which is under the jurisdiction of the OFR.

It is unclear what the penalty is for a financial institution that does not timely file a rate validation sheet and affidavit.

The bill does not provide the Financial Services Commission with authority to adopt rules or forms to implement these reporting requirements. It is unclear whether the Department of Financial Services has the authority to adopt rules that apply to state-chartered financial institutions regulated under ch. 655, F.S.

VII. Related Issues:

It is possible that the effect of the bill may be to require the use of federally chartered financial institutions for IOTA accounts. The bill limits the interest that state-chartered financial institutions may offer on IOTA accounts. If such limitations are not in compliance with the requirements of the Rules Regulating the Florida Bar, then attorneys would need to maintain their accounts in federally chartered financial institutions, which generally are not subject to the requirements of ch. 655, F.S.

VIII. Statutes Affected:

This bill creates section 655.97 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/CS by Rules on April 8, 2025:
The committee substitute differs from the underlying bill by**:**

- Clarifying that there is only one interest rate, not two options, that must be paid for a lawyer or law firm trust account.

- Establishing that the interest rate must be *at least* the highest interest rate or dividend generally available from the financial institution to it comparable business or consumer account that meet the same requirements.
- Establishing a floor for the interest rate that must be at least 0.25 percent when the Federal Funds Effective Rate is less than 4 percent and must be at least 0.5 percent when the rate is 4 percent or greater.

CS/CS by Banking and Insurance on March 31, 2025:
The CS provides the following changes:

- Revises the interest rate a financial institution must pay on a trust account of a lawyer or law firm by providing that a financial institution must pay the highest interest rate or dividend that is generally available to its comparable business or consumer accounts or nonmaturing deposit accounts if the trust account meets or exceeds the same minimum balance or other account requirements, however, the interest rate on such trust accounts must be at least 0.25 percent;
- Eliminates the role of the Chief Financial Officer in establishing interest rates on such trust accounts; and
- Revises reporting requirements, relating to the interest rate selection and rate validation sheet and affidavit, for financial institutions.

CS by Judiciary on March 12, 2025:
The committee substitute differs from the underlying bill by:

- Removing references to Interest on Trust Account programs and Funding Florida Legal Aid.
- Requiring the institutions that choose the first interest rate alternative program submit an affidavit to the Chief Financial Officer in addition to the rate validation sheet.
- Clarifying that the Chief Financial Officer sets the interest rate only on the second interest rate alternative, not both interest rate alternatives.
- Clarifying that the bill is a regulation of financial institutions and is not a regulation of The Florida Bar.

B. Amendments:

None.

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

869322

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 80

and insert:

holds such an account, it must pay at least the highest interest rate or dividend generally available from the institution to its comparable business or consumer accounts or nonmaturing deposit accounts, provided that the trust account meets or exceeds the same minimum balance or other account requirements, and that the interest rate must be at least 0.25 percent.

(a) The financial institution must submit a rate validation

869322

sheet and affidavit to the Chief Financial Officer by the tenth day of each quarter attesting that it will pay at least the same interest rate or dividend on the lawyer or law firm trust accounts that it is paying on its comparable business or consumer accounts or nonmaturing deposit accounts and that the rate will be at least 0.25 percent.

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

And the title is amended as follows:

Delete lines 7 - 12

and insert:

a certain minimum interest rate or dividend; requiring the interest rate to be a least a specified percentage; requiring a financial institution to submit a rate validation sheet and affidavit to the Chief Financial Officer attesting it will pay a minimum certain interest rate or dividend; requiring that the

690360

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Substitute for Amendment (869322) (with title amendment)

Delete lines 68 - 80

and insert:

holds such an account, it must pay at least the highest interest rate or dividend generally available from the institution to its comparable business or consumer accounts or nonmaturing deposit accounts, provided that the trust account meets or exceeds the same minimum balance or other account requirements. The trust account interest rate must be at least 0.25 percent when the

690360

Federal Funds Effective Rate is less than 4.00 percent. The trust account interest rate must be at least 0.50 percent when the Federal Funds Effective Rate is 4.00 percent or greater.

(a) The financial institution must submit a rate validation sheet and affidavit to the Chief Financial Officer by the tenth day of each quarter attesting that it will pay at least the same interest rate or dividend on the lawyer or law firm trust accounts that it is paying on its comparable business or consumer accounts or nonmaturing deposit accounts and that the rate will be at least 0.25 percent when the Federal Funds Effective Rate is less than 4.00 percent or at least 0.50 percent when the Federal Funds Effective Rate is 4.00 percent or greater.

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

And the title is amended as follows:

Delete lines 7 - 12

and insert:

a certain minimum interest rate or dividend; requiring the interest rate to be at least a specified percentage; requiring a financial institution to submit a rate validation sheet and affidavit to the Chief Financial Officer attesting it will pay a minimum certain interest rate or dividend; requiring that the

By the Committees on Banking and Insurance; and Judiciary; and Senator Grall

597-03070-25 2025498c2

A bill to be entitled

An act relating to trust fund interest for purposes approved by the Supreme Court; creating s. 655.97, F.S.; authorizing financial institutions to hold funds in specified trust accounts to be used for specified purposes; requiring such financial institutions to pay a certain interest rate or dividend; prohibiting the interest rate from being less than a specified percentage; requiring a financial institution to submit a rate validation sheet and affidavit to the Chief Financial Officer attesting it will pay a certain interest rate or dividend; requiring that the affidavit attest that certain information is true and factual; requiring the Chief Financial Officer to verify certain information; providing applicability; providing an effective date.

WHEREAS, in September 1981, the Florida Supreme Court implemented the nation's first Interest on Trust Accounts (IOTA) program, establishing a vital funding source for civil legal aid, justice system improvements, and public service programs for law students, and

WHEREAS, Funding Florida Legal Aid (FFLA), formerly known as The Florida Bar Foundation, and the Florida Bankers Association have cooperated for decades to sustain the program and encourage participation, and

WHEREAS, in March 2023, the Florida Supreme Court adopted new rules requiring lawyers to secure interest rates based on the Wall Street Journal Prime Rate, compelling banks to pay

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

597-03070-25 2025498c2

higher rates for IOTA accounts than for other similar accounts, and

WHEREAS, 44 states, the District of Columbia, and Puerto Rico have mandatory IOTA programs modeled after Florida's pre-2023 system, while 5 states and the U.S. Virgin Islands operate voluntary or opt-out programs, and

WHEREAS, the 2023 rule change made Florida an outlier compared to other jurisdictions where IOTA rates are typically benchmarked against interest-bearing checking account rates, and

WHEREAS, the Wall Street Journal Prime Rate serves as a benchmark for lending and is not used to set deposit account rates, and

WHEREAS, the 2023 rule change resulted in banks paying higher rates on funds in IOTA accounts, resulting in record revenues, exceeding $279 million, paid to FFLA during the 2023-2024 fiscal year, nearly four times the prior peak rate and far exceeding average annual interest revenues, and

WHEREAS, in October 2024, the Florida Supreme Court authorized FFLA to hold nearly $143 million in reserve, and

WHEREAS, it is in the best interests of this state for the Legislature to establish statutory benchmarks for IOTA rates to ensure regulatory safety, fairness, and sustainability, similar to the quarterly interest rate determinations made by the Chief Financial Officer for interest paid on court judgments, NOW, THEREFORE,

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

Section 1. Section 655.97, Florida Statutes, is created to

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

read:

655.97 Lawyer or law firm trust account interest rates.—

(1) A financial institution may hold funds in an interest-bearing trust account of a lawyer or law firm in which the institution remits interest or dividends on the balance of the deposited funds to an entity established by the Supreme Court for the purpose of providing or facilitating the provision of free legal services to low-income individuals or for other purposes authorized by the Supreme Court. If the institution holds such an account, it must pay the highest interest rate or dividend generally available from the institution to its comparable business or consumer accounts or nonmaturing deposit accounts, provided that the trust account meets or exceeds the same minimum balance or other account requirements, but the interest rate on trust accounts may not be less than 0.25 percent.

(a) The financial institution must submit a rate validation sheet and affidavit to the Chief Financial Officer by the tenth day of each quarter attesting that it will pay the same interest rate or dividend on the lawyer or law firm trust accounts that it is paying on its comparable business or consumer accounts or nonmaturing deposit accounts or the minimum 0.25 percent.

(b) The affidavit must attest that the rate information submitted on the rate validation sheet is true and factual.

(c) The Chief Financial Officer shall verify that the rate validation sheet and affidavit have been received by the Department of Financial Services.

(2) This section does not apply to interest rates established by written contract or obligations unrelated to the

trust accounts described by this section.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #498**, relating to Trust Fund Interest for Purposes Approved by the Supreme Court, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

S. Rules
Committee

498 - Lawyer Trust Accounts
Bill Number or Topic

SA 690360
Amendment Barcode (if applicable)

Name Scott Jenkins

Phone 850 661 0829

Address 201 E. Park Ave Ste. 200B
Street

Tallahassee FL 32301
City State Zip

Email scott@eclaf1.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:
Bankers for a Sustainable IOTA Program

☐ 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

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4/8/25	498 - Lawyer/Trust Documents
Meeting Date	Bill Number or Topic
S. Rules	
Committee	Amendment Barcode (if applicable)

Name Scott Jenkins

Phone 850 661 0829

Address 201 E. Park Ave. Ste 208

Email scott@dacfl.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:

Bankers for a Sustainable IOTA Program

☐ 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)

The Florida Senate

APPEARANCE RECORD

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April 8th
Meeting Date

Rules
Committee

498
Bill Number or Topic

Amendment Barcode (if applicable)

Name Anthony DiMarco

Phone (850) 224-2265

Address 1001 Thomasville Rd
Street

Email adimarco@floridabankers.com

Tallahassee FL 32303
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 Bankers 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/8/25
Meeting Date

Rules
Committee

498
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeffrey Sharkey

Phone 850 224 1660

Address 106 E College Ave
Street

Email jeffreyshark@gmail.com

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:
Climate First Bank

☐ 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

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

SB 498 as amended
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeffrey Harvey, Community Legal Services

Phone 407 493 4358

Address 1060 Gregory Dr
Street

Email jeffh@clsmf.org

Maitland FL 32751
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:

Community Legal Services/FCLAA

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

4/8/25
Meeting Date

Rules
Committee

498
Bill Number or Topic

Amendment Barcode (if applicable)

Name Amanda Fraser

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:
FL Civil legal aid 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. 2020-2022JointRules.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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April 8, 2025
Meeting Date

Senate Rules
Committee

SB 498, amended
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bethanie Barber

Phone 407.841.8310

Address 100 E. Robinson St.
Street

Email bbarber@legalaidocba.org

Orlando FL 32801
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:
Legal Aid Society of the O.C.B.A., Inc. pro bono

☐ 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
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4/8/25
Meeting Date

Senate Rules Committee
Committee

SB - 498
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dennis Murphy (Gulfside Bank) Phone (941) 224-9283

Address 1823 Southpointe Dr. Email dmurphy@gulfsidebank.com
Street

Sarasota FL 34231
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. 2020-2022JointRules.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 508
INTRODUCER:	Rules Committee; Appropriations Committee on Pre-K - 12 Education and Senator Jones
SUBJECT:	Family Empowerment Scholarship Program
DATE:	April 9, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	**Favorable**
2.	Gray	Elwell	AED	**Fav/CS**
3.	Palazesi	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 508 requires private schools participating in the Family Empowerment Scholarship program to provide parents, prior to the student's initial enrollment, with information on what specialized services and therapies are offered at the school. The bill also requires the private school to inform parents of students with an Individualized Education Plan (IEP), Education Plan (EP), English Learner Plan (ELP), or a 504 plan about available modifications, accommodations, and therapies will be honored.

The bill takes effect July 1, 2025.

The bill does not have fiscal impact to state revenues or expenditures. **See Section V. Fiscal Impact Statement.**

II. Present Situation:

Private School Requirements for the State Scholarship Programs

Florida offers several scholarship programs that allow parents of eligible students to register in and attend a private school that may better serve a student's particular needs, or to provide educational options for students with disabilities or who are receiving parent-directed instruction. The three scholarship programs include:

- The Family Empowerment Scholarships, which include:

  - The Family Empowerment Scholarship for students attending a private school (FES-EO).
  - The Family Empowerment Scholarship for students with disabilities (FES-UA).[1]
- The Florida Tax Credit (FTC) Scholarship Program,[2] consisting of a scholarship for students attending private school and a scholarship for students in a personalized education program.[3]
- The Hope Scholarship Program (HSP).[4]

A private school is a nonpublic school defined as an as an individual, association, or corporation, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services.[5] For a private school to be eligible to participate in the FTC and FES programs the school is required to:

- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.[6]
- Notify the department of its intent to participate in a scholarship program and if there is any change to the school's name, director, or mailing or physical address.
- Provide to the Department of Education (DOE) or Scholarship-Funding Organization (SFO) all documentation required for student participation, including attendance verification and fee schedule.
- Annually complete a notarized scholarship compliance form certifying school employees and contract personnel have completed the background screening requirements.
- Prohibit education support employees, instructional personnel, and school administrators from employment in a position that requires direct contact with students if the personnel or administrators are ineligible for such employment based on the background screening results.
- Demonstrate fiscal soundness and accountability.
- Employ teachers who hold baccalaureate or higher degrees, have at least three years of teaching experience in public or private schools, or have special skills, knowledge, or experience.
- Adopt policies establishing standards of ethical conduct for education support employees, instructional personnel, and school administrators.
- Maintain a physical location in the state.
- Publish on the school's website that a student placed in the private school does not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA).
- Provide quarterly updates on student progress and cooperate with parents who choose to have their student participate in the statewide assessment program.
- Provide a report from an independent certified public accountant if certain conditions are met.

[1] Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.
[2] Section 1002.395, F.S.; *see also* Rule 6A-6.0960, F.A.C.
[3] Section 1002.395(7), F.S.
[4] Section 1002.40, F.S.; *see also* Rule 6A-6.0951, F.A.C.
[5] Section 1002.01(3), F.S.
[6] 42 U.S.C. s. 2000d. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- Not be owned or operated by an entity or person controlled by foreign country of concern.[7]

Private schools participating in the FES scholarship program must provide the SFO confirmation of the student's admission into the school, administer DOE approved norm-referenced assessments or administer the statewide assessment, and discuss with the parent, whose child is receiving the FES-UA scholarship, the school's academic programs and policies, specialized services, code of conduct, and attendance policies prior to the student enrolling.[8]

Specialized Educational Plans

Certain students in Florida are provided with specialized educational plans based on the students' individual educational needs. These plans may include an Individualized Education Plan (IEP), Plan, Education Plan, English Language Learner plan, or 504 accommodations plan. An IEP is developed for students with disabilities and outlines the special education, related services, and supplementary aides and services to be provided to the student.[9] An Education Plan is a written plan for each child who is identified as eligible for gifted education describing the student's educational needs and the services that will be provided to meet those needs.[10] An English Language Learner (ELL) Plan details instructional programs (including non-English for Speakers of Other Languages programs), instructional time or schedule, identification date of limited English proficiency, assessment data for classification or reclassification as an ELL, and exit date with corresponding assessment data.[11] A 504 accommodations plan provides students with disabilities access to accommodations and modifications necessary for them to access the same education as their peers.[12]

III. Effect of Proposed Changes:

CS/CS/SB 508 amends s.1002.394, F.S., to require private schools participating in the Family Empowerment Scholarship Program to provide parents, prior to a student's enrollment, in writing, with information about the specialized services and therapies the school offers. The bill authorizes private schools to update their list of specialized services and therapies once per school year or when a school district updates its list of equitable services, whichever occurs first. Additionally, the bill requires that within 30 days after a school district provides a student with a private school services plan, the student's parent must be informed of which modifications, accommodations, and therapies from the student's individualized education plan (IEP), education plan (EP), or English language learner (ELL) plan will be implemented by the private school.

The bill takes effect July 1, 2025.

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[7] Section 1002.421(1), F.S.
[8] Section 1002.394(9), F.S.
[9] 34 C.F.R. s.300.320.
[10] Rule 6A-6.030191, F.A.C. Florida Department of Education, *Technical Assistance Paper: Development of Educational Plans for Students Who Are Gifted*, available at http://info.fldoe.org/docushare/dsweb/Get/Document-7762/dps-2016-53.pdf (last visited Mar. 19, 2025).
[11] Rule 6A-6.0901, F.A.C.
[12] U.S. Department of Education, *Frequently Asked Questions: Section 504 Free Appropriate Public Education (FAPE)*, available at https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-fape, (last visited Mar.19, 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:

This bill does not have an impact to state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.394 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 April 8, 2025:
The committee substitute:

- Requires private schools participating in the Family Empowerment Scholarship Program to provide parents, prior to a student's enrollment, in writing, with information about the specialized services and therapies the school offers.
- Authorizes private schools to update their list of specialized services and therapies once per school year or when a school district updates its list of equitable services, whichever occurs first.
- Requires that within 30 days after a school district provides a student with a private school services plan, the student's parent must be informed of which modifications, accommodations, and therapies from the student's individualized education plan (IEP), education plan (EP), or English language learner (ELL) plan will be implemented by the private school.

CS by Appropriations Committee on Pre-K - 12 Education on March 25, 2025:
The committee substitute:

- Requires private schools to clearly specify for parents which components of a student's Individualized Education Plan (IEP), Education Plan (EP), English Learner Plan (ELP), or 504 Plan will be implemented.
- Authorizes private schools to update the specialized services and therapies they offer if the school district revises its list of equitable services or when a student transitions to a new grade level—whichever occurs first.
- Requires that within 30 days of receiving a private school services plan from the school district, the parent must be informed of which modifications, accommodations, and therapies included in the plan will be honored by the private school.

B. Amendments:

None.

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

655878

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 20 - 39

and insert:

(d) Before a student's initial enrollment, provide to the parent, in writing, ~~For a student determined eligible pursuant to paragraph (3)(b), discuss~~ the school's academic programs and policies, ~~specialized services,~~ code of conduct, ~~and~~ attendance policies, and specialized services and therapies offered at the school. A private school may update specialized services and therapies offered once per school year or, if a school district

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updates its list of equitable services offered, whichever comes first. In addition, within 30 days after the school district provides the student with a private school services plan, each parent of a student with an individualized education plan, education plan, English language learner plan, or 504 plan must be informed of what modifications, accommodations, and therapies included in the student's plan will be honored ~~before enrollment with the parent to determine which programs and services may meet the student's individual needs~~.

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

And the title is amended as follows:

Delete lines 6 - 9

and insert:

in writing to certain parents before their student's initial enrollment in the school; providing private school requirements relating to certain services; providing an effective date.

By the Appropriations Committee on Pre-K - 12 Education; and Senator Jones

602-02904-25 2025508c1

A bill to be entitled

An act relating to the Family Empowerment Scholarship Program; amending s. 1002.394, F.S.; requiring private schools participating in the Family Empowerment Scholarship Program to provide specified information in writing to parents before certain students enroll in the school; requiring that the parent of certain students be informed of certain information within a specified timeframe; providing an effective date.

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

Section 1. Paragraph (d) of subsection (9) of section 1002.394, Florida Statutes, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the Family Empowerment Scholarship Program, a private school may be sectarian or nonsectarian and must:

(d) Before a student with an Individualized Education Plan, Education Plan, English Learner Plan, or 504 plan's initial enrollment or grade level transition, provide to the parent, in writing, ~~For a student determined eligible pursuant to paragraph (3)(b), discuss~~ the school's academic programs and policies, ~~specialized services,~~ code of conduct, ~~and~~ attendance policies, and specialized services and therapies offered at the school. The private school must specifically delineate for the parent which elements of the student's Individualized Education Plan, Education Plan, English Learner Plan, or 504 plan will be met. A

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

602-02904-25 2025508c1

private school may update specialized services and therapies offered if a school district updates its list of equitable services offered, or at a student's grade level transition, whichever comes first. In addition, within 30 days of the school district providing an eligible student with a private school services plan, ~~before enrollment with~~ the parent must be informed of what modifications, accommodations, and therapies included in ~~to determine which programs and services may meet~~ the student's plan will be honored by the private school ~~individual needs~~.

If a private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the private school is ineligible to participate in the scholarship program.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 26, 2025

I respectfully request that **Senate Bill #508**, relating to Family Empowerment Scholarship Program, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Shevrin D. "Shev" Jones
Florida Senate, District 34

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

508
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kylie Daum

Phone 850 224 1660

Address 106 E College Ave
Street

Email kyliedCAG@gmail.com

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: League of Women Voters of Florida

☐ 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)

The Florida Senate

APPEARANCE RECORD

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4/09/25
Meeting Date

Rules
Committee

508
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-955-7604

Address 1747 Orlando Central Pkwy
Street

Orlando FL 32809
City *State* *Zip*

Email vp.leadership@floridapta.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:

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

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

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

SB 508
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nancy Lawther

Phone 305 607 3837

Address 9140 SW 59 Ave
Street

Email nllawther@gmail.com

Miami FL 33156
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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 8, 2025
Meeting Date

Rules Committee
Committee

SB 508
Bill Number or Topic

Amendment Barcode (if applicable)

Name Crystal Etienne

Phone 305 496- 0398

Address 14082 SW 176th Ter.
Street

Email crystaletienne2921@gmail.com

Miami FL 33177
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:

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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 576
INTRODUCER:	Judiciary Committee and Senator Leek
SUBJECT:	Service of Process
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Fav/CS**
2.	McVaney	McVaney	GO	**Favorable**
3.	Collazo	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 576 amends state laws governing service of process, which is the procedure by which a party to a lawsuit gives appropriate notice to other parties that the lawsuit has begun.

In 2022, the Legislature enacted a law that substantially revised the state's service of process statute. Although the 2022 law has since been applied by practitioners and the courts without significant problems, a task force of the Business Law Section of The Florida Bar (the "Task Force") has identified certain ways that the law can be improved. The Task Force's proposed improvements are reflected in the bill.

In summary, the bill:

- Allows a process server to serve process on registered agents during additional time periods and locations and on additional individuals.
- Provides how one may serve process on business organizations in receivership.
- Clarifies how to execute substitute service of process on the Secretary of State.
- Clarifies how to execute substitute service of process on nonresidents or on individuals or business entities that are concealing their whereabouts.
- Deems former residents of this state to have appointed the Secretary of State as their agent for purposes of service of process.
- Validates service of process made in conformity with either the 2022 law, or prior law, ensuring the validity of default judgments based on service under either statutory regime.

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

The bill takes effect upon becoming a law, except as otherwise provided in the bill. The changes to Sections 1, 2, 3, and 4 of the bill are effective October 1, 2025.

II. Present Situation:

Service of Process

Generally

A fundamental concept of due process is that a person must be given fair notice of the initiation of an action against him or her.[1] Delivery of that notice is referred to as "service of process."[2] Adequate service of process is also required to summon a witness for testimony or for production of evidence.[3] Centuries ago, service of process was only trusted to the county sheriff.[4] Modern concepts of due process required for adequate service of process recognize that there are numerous means by which a person or entity may be fairly appraised of a lawsuit or a requirement to produce evidence.[5]

The traditional and best form of service of process on a competent adult is by personal delivery to that individual, but that is not always possible. Individuals may be difficult to find, whether intentionally or not. Individuals may be incompetent, whether medically or by youth. Procedures need to be established to determine how to serve process on an entity in a manner likely to have it noticed by management for a timely response. A large body of law has been devoted to the allowable methods for service of process.[6]

The Secretary of State is involved in many aspects of service of process. The Secretary is head of the Department of State,[7] which handles the administrative duties of the Secretary.[8] The Division of Corporations, under the Department of State, accepts business entity registrations and renewals, and maintains a publicly-accessible record of every entity, listing a registered agent and the names of the related top-level individuals of the entity. Every current entity must appoint a registered agent, a person within the state who is authorized by the entity to accept service of

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[1] *See, e.g., Citizens of State v. Florida Public Service Commission,* 146 So. 3d 1143, 1154 (Fla. 2014) (noting that the fundamental requirements of due process are satisfied by reasonable notice and a reasonable opportunity to be heard).
[2] *See* U.S. District Court, Middle District of Florida, *Service of Process,* https://www.flmd.uscourts.gov/service-process (last visited Mar. 27, 2025) (providing that "[s]ervice of process is the procedure used to notify a defendant of the lawsuit").
[3] Eleventh Judicial Circuit of Florida, *Certified Civil Process Server Program Information Manual,* 1 (Jan. 2017), available at https://www.jud11.flcourts.org/docs/Process%20Server%20Manual%202017.pdf [hereinafter "Process Server Manual"].
[4] *See* Sheriff Roger Scott, *Office of Sheriff, ROOTS: A Historical Perspective of the Office of Sheriff,* National Sheriffs' Association, https://www.sheriffs.org/about-nsa/history/roots (last visited Mar. 27, 2025) (noting, with emphasis added, that "[t]he duties of the sheriff included keeping the peace, collecting taxes, maintaining jails, arresting fugitives, maintaining a list of wanted criminals, *and serving orders and writs for the Kings Court*").
[5] Process Server Manual, *supra* note 3, at 7-11 (describing personal service, substituted and constructive service, and extraterritorial service).
[6] *See generally* ch. 48, F.S. (process and service of process).
[7] Fla. Dep't of State, *About the Secretary,* https://dos.fl.gov/about-the-department/about-the-secretary/ (last visited Mar. 27, 2025).
[8] Fla. Dep't of State, *Office History,* https://dos.fl.gov/about-the-department/office-history/ (last visited Mar. 27, 2025).

process directed to the entity.[9] In some instances, substituted service of process may be made on the Secretary of State.[10]

2022 Legislation

In 2022, resulting largely from an initiative of the Business Law Section of The Florida Bar,[11] the Legislature enacted ch. 2022-190, Laws of Florida, which amended several laws governing service of process including ch. 48, F.S. (the "2022 Legislation"). A goal of the 2022 legislation was to simplify, clarify, and modernize the manner of service of original process on business entities by eliminating duplicative and sometimes conflicting provisions regarding service of original process in the statutes regulating their formation, governance, and operation.[12]

Since January 2, 2023, the date that the 2022 Legislation became effective, a ch. 48, F.S., task force organized by the Business Law Section (the "Task Force") has monitored reported judicial decisions addressing or interpreting the 2022 Legislation. The Task Force has also consulted with legal practitioners and the Florida Association of Professional Process Servers, who have had experience in applying the 2022 Legislation's provisions.[13]

The purpose of the bill is to address certain issues that have arisen in connection with implementing the 2022 Legislation, as described more fully in Section III.

III. Effect of Proposed Changes:

Service of Process on Registered Agents and Registered Offices

Section 48.091, F.S., regulates how partnerships, corporations, and limited liability companies may designate a registered agent and registered agent office for service of process purposes. Among other things, the statute specifies a minimum amount of time (two hours, between 10 a.m. to 12 noon each day except weekends and legal holidays) that designated registered offices must be open to ensure that the registered agent is present and available to accept service.[14]

Following the enactment of the 2022 Legislation, the Florida Association of Professional Process Servers approached the Task Force and requested that the minimum hours be extended to make it easier to serve process on registered agents. The Task Force investigated the issue and concluded

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[9] *See generally* Fla. Div. of Corps., *Division FAQs*, https://dos.fl.gov/sunbiz/about-us/faqs/ (last visited Mar. 27, 2025) (explaining how to form corporations and limited liability companies and identify registered agents and the names of top-level individuals of registered entities; maintaining a searchable database with publicly-accessible records of every entity).
[10] *See generally* ss. 48.161 and 48.181, F.S. (permitting substituted service of process on the Secretary of State under certain conditions).
[11] Business Law Section of The Florida Bar, *Analysis of Proposed "Glitch" Legislation to Amend Statutory Provisions regarding Service of Process in Florida*, 1 (Aug. 2024) (on file with the Senate Committee on Judiciary) [hereinafter referred to as "Analysis"]; *see also* Giacomo Bossa and James B. Murphy, Jr., *Recent Legislative Changes to Service of Process: A New Ball Game?*, 97 FLA. BAR J. 3, 39 (2023), https://www.floridabar.org/the-florida-bar-journal/recent-legislative-changes-to-service-of-process-a-new-ball-game/ (providing a more complete summary of the background and scope of the 2022 Legislation).
[12] Analysis, *supra* note 11, at 2.
[13] *Id.* at 4-5.
[14] Section 48.091(3), F.S.

that requiring designated registered offices to be open an additional two hours would not cause undue hardship for practitioners who often serve as registered agents.[15]

Additionally, the Task Force has expressed concern with a recent court opinion holding that service of process on a registered agent of a limited liability company was not permitted at an address other than at the individual's designated registered office, even though prior law permitted such individuals to be served at his or her principal place of abode.[16] The Task Force's position is that limiting service of process on individual registered agents to the designated registered office is too restrictive and would unduly impede the ability to serve process on business entities. Accordingly, the Task Force believes that a party should be able to serve a registered agent who is an individual in the same manner as one is allowed to serve an individual who is a defendant in the litigation.[17]

Accordingly, **Section 1** of the bill amends s. 48.091, F.S., to:

- Expand by two additional hours (2 p.m. to 4 p.m.) the minimum number of hours that designated registered agent offices must be open.
- Authorize a process server to serve a registered agent who is a natural person in accordance with the general service of process statute.[18]
- Authorize a process server to serve process at a registered office on a registered agent who is a natural person by serving any employee of the agent if the agent is not present.
- Authorize a process server to serve process at a registered office on a registered agent that is not a natural person by serving the entity in accordance with applicable laws governing service of process on such entities or by serving any employee of the registered agent who is present at the designated registered office at the time of service.

Service of Process on Entities in Receivership

Section 48.101, F.S., regulates service of process on dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships.

Not addressed in this statute or elsewhere, however, is how one would go about serving a business organization that has not been dissolved but is in receivership.[19] Given the volume of litigation involving business organizations in receivership in recent years, the Task Force concluded that the issue should be addressed.[20]

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[15] Analysis, *supra* note 11, at 9.
[16] *Id.* at 9-10 (citing *Campbell v. ADW Consulting, LLC,* 2024 WL 245802 (M.D. Fla. 2024)).
[17] *Id.* at 10.
[18] Section 48.031, F.S.
[19] A receiver is "a person appointed by the court to take control, custody, or management of property involved in litigation and to preserve the property, and receive rents, issues and profits." Kendall Coffey and David Freedman, *Florida's New Commercial Real Estate Receivership Act: A Roadmap for Judges and Practitioners,* 96 FLA. BAR J. 1, 18 (2022), https://www.floridabar.org/the-florida-bar-journal/floridas-new-commercial-real-estate-receivership-act-a-roadmap-for-judges-and-practitioners/#u6da1. "The right to the appointment of a receiver is a long-recognized equitable remedy, tracing its lineage to the English chancery courts, protecting real property and rents and profits arising therefrom." *Id.* A "receivership" means a proceeding in which a receiver is appointed. Section 714.02(15), F.S.
[20] Analysis, *supra* note 11, at 14.

Accordingly, **Section 2** of the bill amends s. 48.101, F.S., to:

- Clarify that it addresses service on *domestic* dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships.
- Expand the applicability of the statute to include business organizations in receivership.

The bill also amends the statute to provide that notwithstanding its provisions, and during the pendency of the receivership, a party attempting to serve process on a domestic business entity, business trust, or sole proprietorship in receivership may effectuate service by personal service on the receiver.

Method of Substituted Service on Nonresidents

Section 48.161, F.S., provides the method for substituted service on the Secretary of State with respect to nonresidents in litigation arising from business activities they conducted in the state and persons who conceal themselves to evade service of process.

The 2022 Legislation made several revisions to this statute to clarify its provisions and facilitate its application by practitioners and the courts. However, the Task Force and the Secretary of State have since identified several problems. Many of the summons received by the Secretary of State, particularly through its electronic portal, have incorrectly designated the Secretary of State as the party being served. Additionally, the Secretary of State's office has been inundated with copies of electronic filings of papers in many lawsuits after the substituted service of process has been effectuated, as if the Secretary of State were a party to those proceedings.[21]

In order to resolve these issues, **Section 3** of the bill amends s. 48.161, F.S., to:

- Clarify that the statute applies to substituted service on certain parties in care of the Secretary of State.
- Require that substituted service on parties in care of the Secretary of State be issued in the name of the party to be served, in the care of the Secretary of State.
- Eliminate the requirement that the Secretary of State keep a record of all process served on the Secretary of State.
- Authorize a process server, after exercising due diligence to locate and effectuate personal service, to use the substituted service method provided in statute in connection with any action in which the court has jurisdiction over the individual or business entity, if the individual or a business entity is a nonresident or conceals his, her, or its whereabouts.
- Require affidavits of compliance justifying the use of substituted service to contain sufficient facts showing that:
  - The process server exercised due diligence in attempting to locate and effectuate personal service on the party; and
  - To the extent applicable, the party's nonresidence or concealment, or that the party is a business entity for which substituted service is otherwise authorized by law.
- Revise the point at which substituted service is effectuated under the bill, from the date when service is received by the Department of State under existing law, to the date when the

[21] *Id.* at 11-12.

affidavit of compliance is filed or when the notice of service requirements has been completed, whichever is later.
- Clarify that the Secretary of State and the Department of State are not parties to the lawsuit by reason of substituted service under the statute and prohibit the service or sending of additional court filings regarding the lawsuit to the Secretary of State or the Department of State.

Substituted Service on Nonresidents and Foreign Business Entities Engaging in Business in State or Concealing their Whereabouts

Section 48.181, F.S., addresses the jurisdictional basis for substituted service on the Secretary of State when nonresidents have engaged in business in this state and are being sued with respect to a transaction or operation connected to such business. The statute also applies to persons concealing their whereabouts to avoid service of process.

According to the Task Force, the 2022 Legislation inadvertently omitted language that clearly brought one particular class of nonresidents – specifically, nonresidents who were formerly residents of the state – within the scope of the statute. The Task Force concluded that there is no reason to treat such nonresidents differently than other types of nonresidents; indeed, nonresidents who have engaged in business in this state in the past should more readily expect to answer a lawsuit in connection with it than nonresidents who have never engaged in business in this state.[22]

Section 4 amends s. 48.181, F.S., to restore language deleted from it by the 2022 Legislation. The bill provides that any individual who was a resident of this state, and who subsequently became a nonresident, is deemed to have appointed the Secretary of State as his or her agent on whom all process may be serviced in any action or proceeding against him or her. The proceeding must arise out of any transaction or operation connected with, or incidental to, any business or business venture carried out in this state by the individual.

Divergent Judicial Interpretations Regarding Applicability of the 2022 Legislation in Existing Cases

The Task Force is concerned that trial courts may not be consistently applying the 2022 Legislation's amendments. Most courts have applied the amendments to service of process which took place after January 2, 2023 (the effective date of the 2022 legislation). However, some federal courts have held that the amendments do not apply to service of process which took place after January 2, 2023, if the cause or causes of action alleged in the lawsuit accrued prior to January 2, 2023.[23] It is possible that there are state courts that have declined to apply the amendments in the 2022 legislation for the same reason. Judges in both federal and state courts could follow this precedent. Given applicable statutes of limitation, some cases could be filed five years or more after the cause or causes of action accrued, creating uncertainty among practitioners and courts in determining how precisely service of process should be effectuated.[24]

[22] *Id.* at 13-14.
[23] *Id.* at 5.
[24] *Id.* at 6.

To address this situation, the Task Force has developed statutory language creating a 'safe harbor' for any service of process made between January 2, 2023, and the effective date of the bill. So long as the service was properly made under *either* the amendments in the 2022 Legislation *or* under the prior law that would have otherwise applied when the cause of action accrued, the service of process will be considered valid.[25]

Accordingly, **Section 5** of the bill provides that:

- Amendments made to ch. 48, F.S., by ch. 2022-190, Laws of Florida, apply to causes of action that accrued on or after January 2, 2023, and to all causes of action that accrued before January 2, 2023, for which service of process was effectuated on or after January 2, 2023.
- Notwithstanding the prior paragraph, any service of process that occurred between January 2, 2023, and October 1, 2025, which has not been invalidated by a court, is valid if such service complied with either ch. 48, F.S., as amended by ch. 2022-190, Laws of Florida, or the laws governing service of process in effect before January 2, 2023, which would have applied in the absence of ch. 2022-190, Laws of Florida.
- Amendments made by the bill apply to all service of process made or effectuated on or after October 1, 2025, regardless of whether the cause of action accrued before, on, or after October 1, 2025.
- The bill does not extend or modify the time for challenging the validity of any service of process and does not revive any ability to challenge the validity of service of process which has been previously waived.

Effective Date

The bill takes effect upon becoming a law, except as otherwise provided in the bill. The changes made in Sections 1, 2, 3, and 4 are effective October 1, 2025.

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:

None identified.

C. Trust Funds Restrictions:

None identified.

[25] *Id.* at 7.

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:

None identified.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the sections 48.091, 48.101, 48.161, and 48.181 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 by Judiciary on March 12, 2025:
The committee substitute revises the underlying bill to:

- Reorganize and clarify what facts must be included in an affidavit of compliance to justify substituted service of process under the bill.
- Revise the point at which substituted service is effectuated under the bill, from the date when service is received by the Department of State under existing law, to the date when the affidavit of compliance is filed or when notice of service requirements have been completed, whichever is later.

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 Committee on Judiciary; and Senator Leek

590-02318-25 2025576c1

A bill to be entitled

An act relating to service of process; amending s. 48.091, F.S.; expanding the hours during which registered agents are required to keep the designated registered office open for the purpose of process service; specifying that certain registered agents may be served process in a specified manner; providing that process may be served on an employee of the registered agent in accordance with applicable law; authorizing a person attempting to serve process to serve an employee of the registered agent present at the registered office; amending s. 48.101, F.S.; authorizing service of process by personally serving the receiver for specified domestic entities in receivership during pendency of the receivership; amending s. 48.161, F.S.; requiring that a certain substituted service of process be issued in the name of the party to be served in care of the Secretary of State; deleting a provision requiring the Secretary of State to keep certain records; authorizing the use of a specified substituted service method under certain circumstances; requiring parties using such method to send the notice of service and a copy of the process to the last known physical and, if applicable, electronic addresses of the party being served; revising the information that must be contained in a certain affidavit of compliance; providing that a certain service of process is effectuated under specified circumstances; providing that the Secretary

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of State and the Department of State are not parties to lawsuits and may not be served additional court filings by reason of specified substituted service; amending s. 48.181, F.S.; specifying that registered agents must have been designated under a specified provision for a specified purpose; authorizing substituted service on the Secretary of State in specified circumstances; providing that certain individuals are deemed to have appointed the Secretary of State as their agents on whom all process may be served in certain actions and proceedings; providing retroactive application; providing applicability and construction; providing effective dates.

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

Section 1. Effective October 1, 2025, subsections (3) and (4) of section 48.091, Florida Statutes, are amended to read:

48.091 Partnerships, corporations, and limited liability companies; designation of registered agent and registered office.—

(3) Every domestic limited liability partnership; domestic limited partnership, including limited liability limited partnerships; domestic corporation; domestic limited liability company; registered foreign limited liability partnership; registered foreign limited partnership, including limited liability limited partnerships; registered foreign corporation; registered foreign limited liability company; and domestic or foreign general partnership that elects to designate a

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registered agent, shall cause the designated registered agent to keep the designated registered office open from at least 10 a.m. to 12 noon and 2 p.m. to 4 p.m. each day except Saturdays, Sundays, and legal holidays, and shall cause the designated registered agent to keep one or more individuals who are, or are representatives of, the designated registered agent on whom process may be served at the office during these hours.

(4)(a) A registered agent who is a natural person may be served with process in accordance with s. 48.031.

(b) A person attempting to serve process at the registered office designated pursuant to subsection (2) on a registered agent who is a natural person, if such natural person is not present at the designated registered office at the time of service, may serve the process, including during the first attempt at service, on any employee of such natural person who is present at the designated registered office at the time of service.

(c) A person attempting to serve process at the registered office designated pursuant to subsection (2) ~~this section~~ on a registered agent that is other than a natural person may serve the process in accordance with the provisions of applicable law relating to service of process on that type of entity or on any employee of the registered agent who is present at the designated registered office at the time of service. ~~A person attempting to serve process pursuant to this section on a natural person, if the natural person is temporarily absent from his or her office, may serve the process during the first attempt at service on any employee of such natural person.~~

Section 2. Effective October 1, 2025, section 48.101,

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Florida Statutes, is amended to read:

48.101 Service on domestic dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, ~~and~~ dissolved limited liability partnerships, and business organizations in receivership.—

(1) Process against the directors of any corporation that was dissolved before July 1, 1990, as trustees of the dissolved corporation must be served on one or more of the directors of the dissolved corporation as trustees thereof and binds all of the directors of the dissolved corporation as trustees thereof.

(2)(a) Process against any other dissolved domestic corporation must be served in accordance with s. 48.081.

(b) In addition, provided that service was first properly attempted on the registered agent pursuant to s. 48.081(2), but was not successful, service may then be attempted as required under s. 48.081(3). In addition to the persons listed in s. 48.081(3), service may then be attempted on the person appointed by the circuit court as the trustee, custodian, or receiver under s. 607.1405(6).

(c) A party attempting to serve a dissolved domestic for-profit corporation under this section may petition the court to appoint one of the persons specified in s. 607.1405(6) to receive service of process on behalf of the corporation.

(3)(a) Process against any dissolved domestic limited liability company must be served in accordance with s. 48.062.

(b) In addition, provided that service was first properly attempted on the registered agent pursuant to s. 48.062(2), but was not successful, service may then be attempted as required under s. 48.062(3). In addition to the persons listed in s.

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48.062(3), service on a dissolved domestic limited liability company may be made on the person appointed as the liquidator, trustee, or receiver under s. 605.0709.

(c) A party attempting to serve a dissolved domestic limited liability company under this section may petition the court to appoint one of the persons specified in s. 605.0709(5) to receive service of process on behalf of the limited liability company.

(4) Process against any dissolved domestic limited partnership must be served in accordance with s. 48.061.

(5) Notwithstanding this section and during the pendency of the receivership, a party attempting to serve process on a domestic business entity, business trust, or sole proprietorship in receivership may effectuate service by personal service on the receiver.

Section 3. Effective October 1, 2025, section 48.161, Florida Statutes, is amended to read:

48.161 Method of substituted service on certain parties in care of the Secretary of State ~~nonresident~~.—

(1) When authorized by law, substituted service of process on a nonresident individual or a corporation or other business entity incorporated or formed under the laws of any other state, territory, or commonwealth, or the laws of any foreign country, may be made by sending a copy of the process to the office of the Secretary of State. Such process must be issued in the name of the party to be served, in the care of the Secretary of State, and must be made by personal delivery; by registered mail; by certified mail, return receipt requested; by use of a commercial firm regularly engaged in the business of document or

package delivery; or by electronic transmission. Such ~~The~~ service is sufficient service on a party that has appointed or is deemed to have appointed the Secretary of State as such party's agent for service of process. ~~The Secretary of State shall keep a record of all process served on the Secretary of State showing the day and hour of service.~~

(2) When an individual or a business entity is a nonresident or conceals his, her, or its whereabouts, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, use the substituted service method specified in subsection (1) in connection with any action in which the court has jurisdiction over the individual or business entity.

(3) Whenever a party is using substituted service specified in subsection (1), notice of service and a copy of the process must also be sent forthwith to the party being served by the party effectuating service or by such party's attorney by registered mail; by certified mail, return receipt requested; or by use of a commercial firm regularly engaged in the business of document or package delivery. In addition, if the parties have recently and regularly used e-mail or other electronic means to communicate between themselves, the notice of service and a copy of the process must also be sent by such electronic means. ~~or, if the party is being served by substituted service,~~ The notice of service and a copy of the process must be sent to the ~~served at such party's~~ last known physical address and, if applicable, last known electronic address of the party being served. The party effectuating service shall file proof of service or return receipts showing delivery to the other party by mail or courier

and by electronic means, if electronic means were used, unless the party is actively refusing or rejecting the delivery of the notice or the party is concealing himself, herself, or itself. An affidavit of compliance of the party effectuating service or such party's attorney must be filed within 40 days after the date of service on the Secretary of State or within such additional time as the court allows. The affidavit of compliance must set forth the facts that justify such substituted service ~~under this section~~ and must contain sufficient facts showing:

(a) That ~~show~~ due diligence was exercised in attempting to locate and effectuate personal service on the party; and

(b) To the extent applicable, the party's nonresidence or concealment, or that the party is a business entity for which substituted service is otherwise authorized by law ~~before using substituted service under this section~~. The party effectuating service does not need to allege in its original or amended complaint the facts required to be set forth in the affidavit of compliance.

(4)~~(3)~~ When an individual or a business entity conceals its whereabouts, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, ~~may~~ use substituted service pursuant to subsection (1) in connection with any action in which the court has jurisdiction over such individual or business entity. The party seeking to effectuate service must also comply with subsection (3) ~~(2)~~; however, a return receipt or other proof showing acceptance of receipt of the notice of service and a copy of the process by the concealed party need not be filed.

(5)~~(4)~~ The party effectuating service is considered to have

used due diligence if that party:

(a) Made diligent inquiry and exerted an honest and conscientious effort appropriate to the circumstances to acquire the information necessary to effectuate personal service;

(b) In seeking to effectuate personal service, reasonably employed the knowledge at the party's command, including knowledge obtained pursuant to paragraph (a); and

(c) Made an appropriate number of attempts to serve the party, taking into account the particular circumstances, during such times when and where such party is reasonably likely to be found, as determined through resources reasonably available to the party seeking to secure service of process.

(6)~~(5)~~ If any individual on whom service of process is authorized under subsection (1) dies, service may be made in the same manner on his or her administrator, executor, curator, or personal representative.

(7)~~(6)~~ The Secretary of State may designate an individual in his or her office to accept service.

(8)~~(7)~~ Service of process is effectuated under this section on the date the affidavit of compliance is filed, or the date when the notice of service requirements under subsection (3) are completed, whichever is later ~~service is received by the Department of State~~.

(9)~~(8)~~ The Department of State shall maintain a record of each process served pursuant to this section and record the time of and the action taken regarding the service. The Secretary of State and the Department of State are not parties to the lawsuit by reason of substituted service under this section, and additional court filings regarding such lawsuit may not be

served upon or sent to the Secretary of State or the Department of State after the substituted service is effectuated.

(10)~~(9)~~ This section does not apply to persons on whom service is authorized under s. 48.151.

Section 4. Effective October 1, 2025, present subsections (5) and (6) of section 48.181, Florida Statutes, are redesignated as subsections (6) and (7), respectively, a new subsection (5) is added to that section, and subsections (3) and (4) of that section are amended, to read:

48.181 Substituted service on nonresidents and foreign business entities engaging in business in state or concealing their whereabouts.—

(3) If a foreign business entity has registered to do business in this state and has maintained its registration in an active status or otherwise continued to have a registered agent designated in accordance with s. 48.091, personal service of process must first be attempted on the foreign business entity in the manner and order of priority described in this chapter as applicable to the foreign business entity. If, after due diligence, the party seeking to effectuate service of process is unable to effectuate service of process on the foreign business entity in the manner and order of priority ~~registered agent or other official as~~ provided in this chapter, the party may use substituted service of process on the Secretary of State.

(4) Any individual or foreign business entity that conceals its whereabouts is deemed to have appointed the Secretary of State as its agent on whom all process may be served, in any action or proceeding against such individual or foreign business entity ~~it, or any combination thereof~~, arising out of any

transaction or operation connected with or incidental to any business or business venture carried on in this state by such individual or foreign business entity.

(5) Any individual who was a resident of this state and who subsequently became a nonresident is deemed to have appointed the Secretary of State as his or her agent on whom all process may be served in any action or proceeding against such individual arising out of any transaction or operation connected with or incidental to any business or business venture carried on in this state by such individual.

Section 5. (1) The amendments made to chapter 48, Florida Statutes, by chapter 2022-190, Laws of Florida, apply to causes of action that accrued on or after January 2, 2023, and to all causes of action that accrued before January 2, 2023, for which service of process was effectuated on or after January 2, 2023.

(2) Notwithstanding subsection (1), any service of process that occurred between January 2, 2023, and October 1, 2025, which has not been invalidated by a court, is valid if such service complied with either chapter 48, Florida Statutes, as amended by chapter 2022-190, Laws of Florida, or the laws governing service of process in effect before January 2, 2023, which would have applied in the absence of chapter 2022-190, Laws of Florida.

(3) The amendments made by this act apply to all service of process made or effectuated on or after October 1, 2025, regardless of whether the cause of action accrued before, on, or after October 1, 2025.

(4) This section does not extend or modify the time for challenging the validity of any service of process and does not

revive any ability to challenge the validity of service of process which has previously been waived.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

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The Florida Senate

Committee Agenda Request

To: Chair
Committee On

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #576**, relating to Service of Process, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

File signed original with committee office

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 606
INTRODUCER:	Senator Leek
SUBJECT:	Public Lodging and Food Service Establishments
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Favorable**
2.	Parker	Stokes	CJ	**Favorable**
3.	Oxamendi	Yeatman	RC	**Favorable**

I. Summary:

SB 606 revises the following terms related to public lodging establishments.

The term "transient public lodging establishment" is revised to mean any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 consecutive days or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.

The term "nontransient public lodging establishment" is revised to mean any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 consecutive days or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 consecutive days.

Current law does not specify that the rental periods to qualify as a transient or nontransient public lodging establishment are based on consecutive days. The bill also removes references to one calendar month in these definitions.

The terms "transient establishment" and "nontransient establishment" are revised to mean any public lodging establishment that is rented or leased to guests by an operator for transient or nontransient occupancy, respectively. The bill removes the condition that establishment status as transient or nontransient is based on the establishment operator's intent regarding whether the guest's stay will be temporary.

The terms "transient occupancy" and "nontransient occupancy" are revised to provide that a guest's occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is transient or nontransient, respectively, unless a written rental or leasing agreement expressly states that the unit may be the guest's sole

residence. The bill removes the rebuttable presumption providing that occupancy is a "transient occupancy" or "nontransient occupancy" based on the establishment operator's intent regarding whether the accommodation will be the guest's sole residence.

The bill amends the procedure for removal of guests from a public lodging or food establishment to provide that a notice that a guest must depart is effective upon delivery of the notice. It provides that a law enforcement officer may arrest a guest who remains after notice to leave has been provided to the guest.

The bill takes effect July 1, 2025.

II. Present Situation:

Division of Hotels and Restaurants

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

Definitions - Public Lodging Establishments

The term "public lodging establishments" includes transient and non-transient public lodging establishments.[1] The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.[2]

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

> …any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.
>
> *Emphasis added.*

Section 509.013(2), F.S., defines the term "operator" to mean the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

[1] Section 509.013(4)(a), F.S.
[2] Section 509.242(1), F.S.

Transient Public Lodging Establishment

A "transient public lodging establishment" is defined in s. 509.013(4)(a)1., F.S., as:

> …any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. (emphasis added)

"Transient occupancy" means:

> …occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.[3]

A "transient" is a guest in transient occupancy.[4]

Non-Transient Public Lodging Establishment

A "non-transient public lodging establishment" is defined in s. 509.013(4)(a)2., F.S., as:

> …any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests for periods of at least 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. (emphasis added)

Exemptions

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of "public lodging establishment":

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
- Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
- Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
- Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or one calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than one calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

[3] Section 509.013(12), F.S.
[4] Section 509.013(13), F.S.

- Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008 - 381.00895, F.S.;
- Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
- Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public;
- Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
- Any rooming house, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, non-transient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Public Food Service Establishments

A "public food service establishment" is defined as:

> …any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.[5]

There are several exclusions from the definition of public food service establishment, including:

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve events such as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests;
- Any eating place located on an airplane, train, bus, or watercraft which is a common carrier;
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families;
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12, F.S.;
- Any vending machine that dispenses any food or beverage other than potentially hazardous food;
- Any place of business serving only ice, beverages, popcorn, and prepackaged items; and
- Any research and development test kitchen limited to use by employees and not open to the general public.[6]

[5] Section 509.013(5)(a), F.S.
[6] Section 509.013(5)(b), F.S.

Refusal of Admission and Ejection of Undesirable Guests

Section 509.141(1), F.S., permits an operator to remove, or cause to be removed, a person for specified causes, including any guest of a public lodging establishment or public food service establishment while on the premises of the establishment who:

- Illegally possesses or deals in controlled substances, as defined in ch. 893, F.S.,
- Is intoxicated, profane, lewd, or brawling;
- Indulges in any language or conduct which disturbs the peace and comfort of other guests or which injures the reputation, dignity, or standing of the establishment;
- Fails to check out by the time agreed upon in writing by the guest and public lodging establishment at check-in unless an extension of time is agreed to by the public lodging establishment and guest prior to check out;
- Fails to make payment for food, beverages, or services; or
- In the opinion of the operator, is a person the continued entertainment of whom would be detrimental to the establishment.

Section 509.141(3), F.S., provides that any guest who remains or attempts to remain in any such establishment after being requested to leave is guilty of a misdemeanor of the second degree.[7]

Section 509.141(4), F.S., provides that any guest who remains "illegally on the premises of any public lodging establishment or public food service establishment, the operator of such establishment may call upon any law enforcement officer of this state for assistance." Upon request of the operator of the establishment, it is the duty of the law enforcement officer to place the guest under arrest and take the guest into custody.

Section 509.142, F.S., permits an operator to refuse accommodation or service to any person whose conduct on the premises of the establishment:

- Displays intoxication, profanity, lewdness, or brawling;
- Indulges in language or conduct such as to disturb the peace or comfort of other guests;
- Engages in illegal or disorderly conduct;
- Illegally possesses or deals in controlled substances as defined in ch. 893, F.S.; or
- Engages in conduct constituting a nuisance.

Additionally, s. 509.143, F.S., permits an operator to take a person into custody and detain that person in a reasonable manner and for a reasonable time if the operator has probable cause to believe that the person was engaging in disorderly conduct in violation of s. 877.03, F.S.,[8] on the premises of the licensed establishment and that such conduct was creating a threat to the life or safety of the person or others. The operator is required to call a law enforcement officer to the scene immediately after detaining the person.

[7] Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides that a misdemeanor of the second degree is punishable by a fine not to exceed $500.

[8] Section 877.03, F.S., provides that a person is guilty of a misdemeanor of the second degree if that person commits "such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct."

III. Effect of Proposed Changes:

Definitions

The bill amends s. 509.013, F.S., to revise the following definitions:

- "Transient public lodging establishment," is revised to specify that the 30-day rental period must be for periods of less than 30 consecutive days. It removes the one-calendar-month qualification and clarifies that an establishment qualifies if advertised or offered for rentals of less than 30 consecutive days.
- "Nontransient public lodging establishment" is revised to mean rentals of at least 30 consecutive days and removing the reference to one-calendar-month. It also allows an establishment to qualify if advertised for rentals for periods of at least 30 consecutive days.
- "Transient establishment" is revised to mean any public lodging establishment that is rented or leased to guests by an operator for transient occupancy, and removing the condition that temporary occupancy is based on the operator's intent.
- "Transient occupancy" is revised to mirror the changes to the term "transient public lodging establishment" by providing that the term means occupancy that is temporary. It also provides that a guest's occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is transient unless a written rental or leasing agreement expressly states that the unit may be the guest's sole residence. The bill removes the rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.
- "Nontransient establishment" is revised to mean any public lodging establishment that is rented or leased to guests by an operator for nontransient occupancy. The bill removes the requirement that the operator intends the unit to be the guest's sole residence.
- "Nontransient occupancy" is revised to mirror the changes to the term "nontransient public lodging establishment" by providing that the term means occupancy that is not temporary. The bill also provides that a guest's occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is transient unless a written rental or leasing agreement expressly states that the unit may be the guest's sole residence. The bill removes the rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

For the purpose of incorporating the amendment to s. 509.013, F.S., the bill reenacts the following provisions:

- Section 196.1978(3)(k), F.S., relating to affordable housing property exemption;
- Section 196.199(1)(a), F.S., relating to government property exemption;
- Section 212.031(1)(a), F.S., relating to tax on rental or license fee for use of real property;
- Section 404.056(5), F.S., relating to environmental radiation standards and testing, and notification on real estate documents;
- Section 413.08(1)(c), F.S., relating to defining the term "public accommodation" in the context of rights and responsibilities of an individual with a disability, and penalties;
- Section 480.043(14)(b), (c), and (e), F.S., relating to massage establishments, requisites, licensure inspection, and human trafficking awareness training and policies; and
- Section 559.955(5)(b), F.S., relating to home-based businesses.

Refusal of Admission and Ejection of Undesirable Guests

The bill amends s. 509.141(1), F.S., to provide that the check out time by which a guest's failure to make payment at the agreed-upon rent rate allows the operator to remove a guest is based on check out time specified by the public lodging establishment.

The bill amends s. 509.141(2), F.S., to revise the notice requirement that an operator must give a guest who is directed to immediately depart from a public lodging or food service establishment. The bill provides that the notice is effective upon the operator's delivery of the notice, whether in person, via a telephonic or electronic communications medium using the contact information provided by the guest, or, with respect to a public lodging establishment, upon delivery to the guest's lodging unit.

The bill amends s. 509.141(3), F.S., to provide that if a person remains in the establishment after the operator has requested the person to leave under subsection (2), then the person is guilty of a second degree misdemeanor.[9]

Section 509.141(4) and (5), F.S., is amended to provide that it is the duty of a law enforcement officer to remove a guest upon request of the operator and after notice under subsection (2) rather than requiring the officer to arrest the guest. The officer still may arrest the guest if necessary.

Section 509.141(5), F.S., is revised by the bill to remove the requirement that the violation of s. 509.141(3), F.S., must be in the presence of the officer.

For the purpose of incorporating the amendment to s. 509.013, F.S., the bill reenacts s. 721.13(14), F.S., relating to the management of timeshare projects.

Effective Date

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.

[9] *Supra* n. 7.

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 department has not submitted a fiscal analysis for this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 509.013 and 509.141.

This bill reenacts the following sections of the Florida Statutes: 196.1978, 196.199, 212.031, 404.056, 413.08, 480.043, 559.955, and 721.13.

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.

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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/08/2025	.	
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The Committee on Rules (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 90 and 91

insert:

Section 2. Subsection (4) is added to section 509.101, Florida Statutes, to read:

509.101 Establishment rules; posting of notice; food service inspection report; maintenance of guest register; mobile food dispensing vehicle registry.—

(4) It is the duty of each operator of a public lodging establishment to contractually define whether a guest's

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occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as those terms are defined in s. 509.242, is transient or nontransient through a written agreement signed by both the guest and the establishment operator at the point of sale. The agreement must substantially contain, above the signature line, the following language:

THE PARTIES ACKNOWLEDGE AND AGREE THAT THE UNDERSIGNED GUEST(S):

☐MAY OCCUPY THE UNIT AS A SOLE RESIDENCE IN A NONTRANSIENT OCCUPANCY, SUBJECT TO REMOVAL PROCEDURES IN CHAPTER 83, FLORIDA STATUTES, IN THE EVENT OF NONCOMPLIANCE.

OR

☐IS/ARE OCCUPYING THE UNIT TEMPORARILY AS A TRANSIENT OCCUPANCY AND MAY BE SUBJECT TO REMOVAL AND/OR ARREST BY LAW ENFORCEMENT IN THE EVENT OF NONCOMPLIANCE.

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

And the title is amended as follows:

Delete line 4

and insert:

definitions; amending s. 509.101, F.S.; requiring an operator of a public lodging establishment to contractually define a guest’s occupancy of a dwelling unit at a certain establishment as either transient or nontransient through a written agreement; providing

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requirements for such written agreement; amending s. 509.141, F.S.; revising the

By Senator Leek

7-00637-25 2025606__

A bill to be entitled

An act relating to public lodging and food service establishments; amending s. 509.013, F.S.; revising definitions; amending s. 509.141, F.S.; revising the instances under which the operator of any public lodging establishment may remove a guest; providing requirements for the notice an operator of a public lodging establishment or public food service establishment may give to a guest under specified circumstances; making technical changes; requiring a law enforcement officer to remove a guest who remains on the premises of any public lodging establishment after an operator makes a specified request; authorizing a law enforcement officer to arrest and take into custody any guest under certain circumstances; reenacting ss. 196.1978(3)(k), 196.199(1)(a), 212.031(1)(a), 404.056(5), 413.08(1)(c), 480.043(14)(b), (c), and (e), and 559.955(5)(b), F.S., relating to affordable housing property exemption; government property exemption; taxes and fees for use of real property; environmental radiation standards and testing, and notification on real estate documents; rights and responsibilities of an individual with a disability, and penalties; massage establishments, requisites, licensure inspection, and human trafficking awareness training and policies; and home-based businesses, local government, and restrictions, respectively, to incorporate the amendment made to s. 509.013, F.S., in

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

7-00637-25 2025606__

references thereto; reenacting s. 721.13(14), F.S., relating to management, to incorporate the amendment made to s. 509.141, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) and subsections (11), (12), (14), and (15) of section 509.013, Florida Statutes, are amended to read:

509.013 Definitions.—As used in this chapter, the term:

(4)(a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 consecutive days ~~or 1 calendar month, whichever is less,~~ or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.

2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 consecutive days ~~or 1 calendar month, whichever is less,~~ or which is advertised or held out to the public as a place regularly rented to guests for periods of at

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

least 30 consecutive days ~~or 1 calendar month~~.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(11) "Transient establishment" means any public lodging establishment that is rented or leased to guests by an operator for transient ~~whose intention is that such guests'~~ occupancy ~~will be temporary~~.

(12) "Transient occupancy" means occupancy that is ~~when it is the intention of the parties that the occupancy will be~~ temporary. A guest's occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project as defined in s. 509.242 is transient unless a written rental or leasing agreement expressly states that the unit may be the guest's ~~There is a rebuttable presumption that, when the dwelling unit occupied is not the~~ sole residence ~~of the guest, the occupancy is transient~~.

(14) "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator for nontransient occupancy ~~whose intention is that the dwelling unit occupied will be the sole residence of the guest~~.

(15) "Nontransient occupancy" means occupancy that is not ~~when it is the intention of the parties that the occupancy will not be~~ temporary. A guest's occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project as defined in s. 509.242 is transient unless a written rental or leasing agreement expressly states the unit

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may be the guest's ~~There is a rebuttable presumption that, when the dwelling unit occupied is the~~ sole residence ~~of the guest, the occupancy is nontransient~~.

Section 2. Section 509.141, Florida Statutes, is amended to read:

509.141 Refusal of admission and ejection of undesirable guests; notice; procedure; penalties for refusal to leave.—

(1) The operator of any public lodging establishment or public food service establishment may remove or cause to be removed from such establishment, in the manner hereinafter provided, any guest of the establishment who, while on the premises of the establishment, illegally possesses or deals in controlled substances as defined in chapter 893 or is intoxicated, profane, lewd, or brawling; who indulges in any language or conduct which disturbs the peace and comfort of other guests or which injures the reputation, dignity, or standing of the establishment; who, in the case of a public lodging establishment, fails to make payment of rent at the agreed-upon rental rate by the ~~agreed-upon~~ checkout time specified by the public lodging establishment; who, in the case of a public lodging establishment, fails to check out by the time specified ~~agreed upon in writing~~ by the ~~guest and~~ public lodging establishment at check-in unless an extension of time is agreed to by the public lodging establishment and guest prior to checkout; who, in the case of a public food service establishment, fails to make payment for food, beverages, or services; or who, in the opinion of the operator, is a person the continued entertainment of whom would be detrimental to such establishment. The admission to, or the removal from, such

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

establishment shall not be based upon race, creed, color, sex, physical disability, or national origin.

(2) The operator of any public lodging establishment or public food service establishment shall notify such guest that the establishment no longer desires to entertain the guest and shall request that such guest immediately depart from the establishment. Such notice may be given orally or in writing. The notice is effective upon the operator's delivery of the notice, whether in person, via a telephonic or electronic communications medium using the contact information provided by the guest, or, with respect to a public lodging establishment, upon delivery to the guest's lodging unit. If the notice is in writing, it shall be as follows:

"You are hereby notified that this establishment no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state."

If such guest has paid in advance, the establishment shall, at the time such notice is given, tender to such guest the unused portion of the advance payment; however, the establishment may withhold payment for each full day that the guest has been entertained at the establishment for any portion of the 24-hour period of such day.

(3) Any guest who remains or attempts to remain in any such establishment after the operator's request to depart pursuant to subsection (2) ~~being requested to leave~~ is guilty of a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083.

(4) If any guest remains ~~person is illegally~~ on the premises of any public lodging establishment or public food service establishment after the operator's request to depart pursuant to subsection (2), the operator of such establishment may call upon any law enforcement officer of this state for assistance. It is the duty of such law enforcement officer, upon the request of such operator, to remove ~~place under arrest and take into custody for violation of this section~~ any guest who remains on the premises of such an establishment after the operator's request to depart pursuant to subsection (2).

(5) A law enforcement officer may place under arrest and take into custody any guest who violates subsection (3) ~~in the presence of the officer~~. If a warrant has been issued by the proper judicial officer for the arrest of any violator of subsection (3), the officer shall serve the warrant, arrest the person, and take the person into custody. Upon arrest, with or without warrant, the guest will be deemed to have given up any right to occupancy or to have abandoned such right of occupancy of the premises, and the operator of the establishment may then make such premises available to other guests. However, the operator of the establishment shall employ all reasonable and proper means to care for any personal property which may be left on the premises by such guest and shall refund any unused portion of moneys paid by such guest for the occupancy of such premises.

Section 3. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (k) of subsection (3) of section

196.1978, Florida Statutes, is reenacted to read:

196.1978 Affordable housing property exemption.—

(3)

(k) Property receiving an exemption pursuant to s. 196.1979 or units used as a transient public lodging establishment as defined in s. 509.013 are not eligible for this exemption.

Section 4. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 196.199, Florida Statutes, is reenacted to read:

196.199 Government property exemption.—

(1) Property owned and used by the following governmental units shall be exempt from taxation under the following conditions:

(a)1. All property of the United States is exempt from ad valorem taxation, except such property as is subject to tax by this state or any political subdivision thereof or any municipality under any law of the United States.

2. Notwithstanding any other provision of law, for purposes of the exemption from ad valorem taxation provided in subparagraph 1., property of the United States includes any leasehold interest of and improvements affixed to land owned by the United States, any branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States if the leasehold interest and improvements are acquired or constructed and used pursuant to the federal Military Housing Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As used in this subparagraph, the term "improvements" includes actual housing units and any facilities that are directly

related to such housing units, including any housing maintenance facilities, housing rental and management offices, parks and community centers, and recreational facilities. Any leasehold interest and improvements described in this subparagraph, regardless of whether title is held by the United States, shall be construed as being owned by the United States, the applicable branch of the United States Armed Forces, or the applicable agency or quasi-governmental agency of the United States and are exempt from ad valorem taxation without the necessity of an application for exemption being filed or approved by the property appraiser. This subparagraph does not apply to a transient public lodging establishment as defined in s. 509.013 and does not affect any existing agreement to provide municipal services by a municipality or county.

Section 5. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is reenacted to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a

condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s.

315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing,

transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for

payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

13. Rented, leased, subleased, or licensed to a person

providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 6. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, subsection (5) of section 404.056, Florida Statutes, is reenacted to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or prior to, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification shall contain the following language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient

quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013(12), provided that such occupancy is 45 days or less in duration.

Section 7. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 413.08, Florida Statutes, is reenacted to read:

413.08 Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and housing accommodations; penalties.—

(1) As used in this section and s. 413.081, the term:

(c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; a timeshare that is a transient public lodging establishment as defined in s. 509.013; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. The term does not include air carriers covered by the Air Carrier Access Act of 1986, 49 U.S.C. s. 41705, and by regulations adopted by the United States

Department of Transportation to implement such act.

Section 8. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in references thereto, paragraphs (b), (c), and (e) of subsection (14) of section 480.043, Florida Statutes, are reenacted to read:

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.—

(14) In order to provide the department and law enforcement agencies the means to more effectively identify persons engaging in human trafficking at massage establishments, the following apply:

(b) If there is an outside window or windows into the massage establishment's reception area, the outside window or windows must allow for at least 35 percent light penetration and no more than 50 percent of the outside window or windows may be obstructed with signage, blinds, curtains, or other obstructions, allowing the public to see the establishment's reception area. A sign must be posted on the front window of the establishment that includes the name and license number of the massage establishment and the telephone number that has been provided to the department as part of licensure of the establishment. This paragraph does not apply to:

1. A massage establishment within a public lodging establishment as defined in s. 509.013(4).

2. A massage establishment located within a county or municipality that has an ordinance that prescribes requirements related to business window light penetration or signage limitations if compliance with this paragraph would result in

noncompliance with such ordinance.

(c) All employees within the massage establishment must be fully clothed, and such clothing must be fully opaque and made of nontransparent material that does not expose the employee's genitalia. This requirement does not apply to an employee, excluding a massage therapist, of a public lodging establishment, as defined in s. 509.013(4), that is licensed as a clothing-optional establishment and chartered with the American Association for Nude Recreation.

(e) A massage establishment must conspicuously display a 2 inch by 2 inch photo for each employee, which, for massage therapists, must be attached to the massage therapist's license. Such display must also include the employee's full legal name and employment position. All information required under this paragraph must be displayed before the employee may provide any service or treatment to a client or patient. A massage establishment within a public lodging establishment as defined in s. 509.013(4) may satisfy this requirement by displaying the photos and required information in an employee break room or other room that is used by employees, but is not used by clients or patients.

Section 9. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (b) of subsection (5) of section 559.955, Florida Statutes, is reenacted to read:

559.955 Home-based businesses; local government restrictions.—

(5) The application of this section does not supersede:

(b) Local laws, ordinances, or regulations related to

transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.

Section 10. For the purpose of incorporating the amendment made by this act to section 509.141, Florida Statutes, in a reference thereto, subsection (14) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(14) With regard to any timeshare project as defined in s. 509.242(1)(g), the managing entity or manager has all of the rights and remedies of an operator of any public lodging establishment or public food service establishment as set forth in ss. 509.141-509.143, and 509.162 and is entitled to have a law enforcement officer take any action, including arrest or removal from the timeshare property, against any purchaser, including a deeded owner, or guest or invitee of such purchaser or owner who engages in conduct described in s. 509.141, s. 509.142, s. 509.143, or s. 509.162 or conduct in violation of the timeshare instrument.

Section 11. 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: April 2, 2025

I respectfully request that **Senate Bill #606**, relating to Public Lodging and Food Establishments, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

3/8/25
Meeting Date

Rules
Committee

SB 606
Bill Number or Topic

834232 - Pizzo
Amendment Barcode (if applicable)

Name JONATHAN WEBBER

Phone 954-593-4449

Address 400 Washington Ave
Street

Email JONATHAN.Webber@splcenter.org

Montgomery AL 36104
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:
SPLC

☐ 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

4/8/2025
Meeting Date

Rules
Committee

SB 606
Bill Number or Topic

834232
Amendment Barcode (if applicable)

Name Samantha Padgett

Phone (850) 224.2250

Address 230 S. Adams Street
Street

Email Spadgett@FRLA.org

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 Restaurant & Lodging 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. 2020-2022JointRules.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

4/8/25
Meeting Date

RULES
Committee

606
Bill Number or Topic

834232
Amendment Barcode (if applicable)

Name ROBERT STUART

Phone 850-577-9090

Address 301 S. BRONOUGH ST.
Street

Email ROBERT.STUART@GRAY-ROBINSON.COM

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:
CENTRAL FLORIDA HOTEL & LODGING 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. 2020-2022JointRules.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

4/8/25
Meeting Date

Rules
Committee

SB 606
Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone (850) 224.2250

Address 230 S. Adams Street
Street

Email Spadgett@FRLA.org

Tallahassee FL 32301
City State Zip

Speaking: [X] For [ ] Against [ ] Information **OR** Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: Florida Restaurant & Lodging 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. 2020-2022JointRules.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

April 8, 2025
Meeting Date

Rules
Committee

SB 606 - Public Lodging
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jonathan Webber

Phone 954-593-4449

Address 400 Washington Ave
Street

Email jonathan.webber@splcenter.org

Montgomery AL 36104
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:
SPLC

☐ 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

4/8/25
Meeting Date

Rules
Committee

SB 606
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ethan Perry

Phone

Address 208 S Monroe St
Street

Email ethanp@floridarealtors.org

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 Realtors 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. 2020-2022JointRules.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 626
INTRODUCER:	Governmental Oversight and Accountability Committee and Senator Osgood
SUBJECT:	Council on the Social Status of Black Men and Boys
DATE:	April 7, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVaney	GO	**Fav/CS**
2.	White	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 626 reduces the number of members necessary to constitute a quorum for the Council on the Social Status of Black Men and Boys Council to hold a meeting and vote for final actions. The bill additionally allows members to appear at meetings electronically and still count towards the Council's quorum requirements for purposes of conducting business. The bill adds notice requirements for the Council's public meetings or workshops that will be conducted using communications media technology.

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

The bill takes effect July 1, 2025.

II. Present Situation:

The Council on the Social Status of Black Men and Boys

In 2006, in response to concerns about issues such as the disproportionate representation of black males in Florida's correctional facilities, the number of black students dropping out of high school, and the disparity between the income levels and life expectancies of black and white males,[1] the Legislature created the Council on the Social Status of Black Men and Boys (Council) within the Department of Legal Affairs in the Office of the Attorney General. The Office of the Attorney General supplies staff and administrative support to the Council.

[1] *See* Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 436 (April 24, 2006).

The Council was established, in part, to make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues, and to propose measures to alleviate and correct the underlying causes of these conditions in their annual report.[2] The Legislature may request the Council to conduct additional studies on other topics.[3] The Council can request information from any political subdivision of the state; and ask for assistance from the Office of Program Policy Analysis and Government Accountability and the Office of Economic and Demographic Research within the Florida Legislature.[4]

The Council is comprised of 19 appointed members who serve four-year terms.[5] These members include representatives of state agencies and the Legislature, as well as citizens who represent relevant areas of interest. The members include:

- Two members of the Senate who are not members of the same political party, appointed by the President of the Senate with the advice of the minority leader of the Senate;
- Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the minority leader of the House of Representatives;
- The Secretary of Children and Family Services (DCF), or his or her designee;
- The director of the Mental Health Program Office within DCF, or his or her designee;
- The State Surgeon General, or his or her designee;
- The Commissioner of Education, or his or her designee;
- The Secretary of Corrections, or his or her designee;
- The Attorney General, or his or her designee;
- The Secretary of Management Services, or his or her designee;
- The executive director of the Department of Economic Opportunity, or his or her designee;
- A businessperson of black origin appointed by the Governor;
- Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of these appointments must be a clinical psychologist;
- Two people appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of these appointments must be an Africana studies professional;
- The deputy secretary for Medicaid in the Agency for Health Care Administration, or his or her designee; and
- The Secretary of Juvenile Justice, or his or her designee.[6]

[2] *See*, Florida Council on the Social Status of Black Men & Boys, *Annual Reports*, https://cssbmb.com/annual-reports/ (last visited Mar. 26, 2025).
[3] Section 16.615(4), F.S.
[4] Section 16.615(5), F.S.
[5] Section 16.615(1) and (2), F.S.
[6] Section 16.615(1), F.S.

Currently, eleven members constitute a quorum.[7] Members of the Council are entitled to reimbursement for per diem and travel expenses.[8]

The Council is subject to the provisions of chapter 119, related to public records, and the provisions of chapter 286, related to public meetings.[9]

Use of Electronic Media and Public Meetings

Section 120.54(5)(b)2., F.S., requires the Administration Commission[10] to create uniform rules for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology (CMT).[11] Specifically, a notice for a public meeting, hearing, or workshop that will use CMT must state:

- That the public meeting will be conducted using CMT;
- If attendance may be provided for through CMT;
- How persons who wish to attend[12] the meeting may do so; and
- The locations at which CMT facilities will be available to allow participation in the meeting.

Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, apply to meetings conducted by means of CMT, and must be "liberally construed in their application to such public meetings, hearings, and workshops."[13]

A body subject to public meetings laws that will conduct its meeting exclusively using CMT must provide a means for a member of the public to attend, which must include physical attendance if the available technology is insufficient to permit all interest persons to attend.[14] The public access to the meeting must be provided via a "designated place where a person interested in attending a CMT proceeding may go for the purpose of attending the proceeding."[15]

Unless otherwise authorized by the Legislature, these procedures for communications media technology apply only to state agencies and not to local boards or commissions. In the absence of any law otherwise, local government bodies that require a quorum to conduct their business may only use communications media technology to do so if either a statute permits a quorum to be

[7] Section 16.615(8), F.S.
[8] Section 16.615(10), F.S.
[9] Section 16.615(11), F.S.
[10] Section 14.202, F.S. The Administration Commission is composed of the Governor and the Cabinet (The Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture compose the Cabinet. Section 20.03(1), F.S.).
[11] Section 120.54(5)(b)2., F.S. The term "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. *See also* Rules 28-109.001-.006, F.A.C.
[12] Rule 28-109.002 of the Florida Administrative Code defines attendance as having access to the CMT network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues considered at the proceeding. The entity must also publish a public meeting notice which includes the address of each access point (a designated place where a person interested in attending a CMT proceeding may go for the purpose of attending). *See*, Rules 28-109.002, and .005, Fla. Admin. Code.
[13] Section 120.54(5)(b)2., F.S.
[14] *See* Rule 28-109.004, F.A.C.
[15] Rule 28-109.002(1), F.S.

present by means other than in-person or the in-person requirement for constituting a quorum is lawfully suspended.[16]

III. Effect of Proposed Changes:

Section 1 amends s. 16.615(8), F.S., to reduce the number of Council members needed to constitute a quorum from eleven to nine. The bill additionally allows Council members who appear by communications media technology to count towards quorum requirements. For the purposes of the bill, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.[17] This presumably allows the Council to hold meetings and take action with fewer members in physical attendance and voting for the proposition. For example, under current law, with 19 members, 11 are needed to meet quorum requirements, and six are needed to approve Council action. Under the bill, with 19 members but only nine needed to meet quorum requirements, only five are needed to approve Council action.

The bill additionally requires that the Council provide notice when it conducts a public meeting or workshop using communications media technology, specifically requiring that it state how an interested person may participate, and where facilities with communications media technology will be available during the meeting or workshop.

Section 2 provides the bill takes effect on July 1, 2025.

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:

Section 286.011, F.S., the Government in the Sunshine Law, ensures a right of access to government proceedings. A fundamental requirement of the Government in the Sunshine Law is that meetings of entities subject to its provisions are "open to the public," which means open to all persons who choose to attend.[18] Therefore, the Council must, in its use of CMT for the purpose of allowing its members to attend Council meetings, ensure that members of the public are afforded access not only to the physical meeting, but also to the portions held via CMT.

C. Trust Funds Restrictions:

None identified.

[16] Op. Att'y Gen. Fla. 2020-03.
[17] *See* s. 120.54(5)(b)2., F.S.
[18] Op. Att'y Gen. Fla. 2009-56.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Article I, section 24(b) of the Florida Constitution and the Sunshine Law "aim[s] to prevent the evil of closed door operation of government without permitting public scrutiny and participation."[19] It is possible that a member of the Council could operate with lessened scrutiny, or be influenced by other individuals during the meeting (without obvious knowledge of such communication by a viewing member of the public).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The Council will be able to conduct its meetings and take action via communications media technology (CMT), such as zoom. This may reduce costs associated with the Council's meetings by lowering travel expense reimbursements to members who participate via CMT.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

Public meetings of a state agency may already be held by communications media technology (CMT), pursuant to s. 120.54, F.S. A state agency, in this instance, includes "governmental entit[ies] in the state having statewide jurisdiction,"[20] such as the Council on the Social Status of Black Men and Boys (Council). Accordingly, the language allowing the Council to meet via CMT is duplicative of existing statuary language. Should, however, the Council's status as a state agency ever be called into question, the language of this bill ensures the Council may still meet and conduct business via CMT.

[19] *Transparency for Fla. v. City of Port St. Lucie*, 240 So.2d 780, 784 (Fla. Dist. Ct. App. 2018), *quoting City of Miami Beach v. Berns*, 245 So.2d 38, 41 (Fla. 1971).
[20] *See* s. 120.52(1)(b), F.S.

VIII. Statutes Affected:

This bill substantially amends section 16.615 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 by Governmental Oversight and Accountability on April 1, 2025:
Adds notice requirements for any public meeting or workshop held by the Council that will use communications media technology.

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 Committee on Governmental Oversight and Accountability; and Senator Osgood

585-03130-25 2025626c1

A bill to be entitled

An act relating to the Council on the Social Status of Black Men and Boys; amending s. 16.615, F.S.; revising the quorum requirements for the Council on the Social Status of Black Men and Boys to require only 9 members for a quorum; authorizing members to appear by communications media technology; providing that members who appear by such technology are considered present and may be counted toward the quorum requirement; providing notice requirements for public meetings or workshops conducted by means of communications media technology; providing an effective date.

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

Section 1. Subsection (8) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(8) Nine ~~Eleven~~ of the members of the council constitute a quorum, and an affirmative vote of a majority of the members present is required for final action. Members may appear by communications media technology as defined in s. 120.54(5)(b)2. Members who appear by communications media technology are considered present and may be counted toward the quorum requirement. A notice for a public meeting or workshop must state whether the meeting or workshop will be conducted using communications media technology, how an interested person may participate, and the location of facilities where communications

585-03130-25 2025626c1

media technology will be available during the meeting or workshop.

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

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

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 656
INTRODUCER:	Rules Committee; Health Policy Committee and Senator Rodriguez
SUBJECT:	Health Care Billing and Collection Activities
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Fav/CS**
2.	McMillan	McKay	CM	**Favorable**
3.	Looke	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 656 amends s. 395.3011, F.S., to extend protections from "extraordinary collection actions" by hospitals and ambulatory surgical centers (ASC) to all actions relating to payments of a bill for care. Current protections, created in 2024, apply only to bills for care covered under the hospital's or ASC's financial assistance policy. The bill also allows a hospital or ASC to sell an individual's debt without a 30-day notification to the patient if the hospital or ASC meets specified requirements.

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

II. Present Situation:

Medical Debt

Medical debt, or personal debt incurred from unpaid medical bills, is a leading cause of bankruptcy in the United States. Two-thirds of medical debts are the result of a one-time or short-term medical expense arising from an acute medical need.[1] Many medical collections on

[1] Hamel, Liz et al., *The Burden of Medical Debt: January 2016 Results from the Kaiser Family Foundation/New York Times Medical Bills Surve,* Kaiser Family Foundation. January 2016, *available at* The Burden of Medical Debt: Results from the Kaiser Family Foundation/New York Times Medical Bills Survey (kff.org) (last visited Apr. 9, 2025).

consumer credit reports are low-dollar accounts.[2] Data from the federal Consumer Financial Protection Bureau's Consumer Credit Panel show that in 2020, the median medical collection was $310, the mean medical collection was $773, and 62 percent of medical collections were under $490.[3] In Florida, approximately 6.6 percent of the population has medical debt in collection.[4] The median amount of medical debt in collections is $1593.[5] The percentage of persons without health insurance coverage is 11.1 percent.[6]

Medical Debt Collection in Florida

Debt Collection in General

Florida law provides a court process for the collection of lawful debts, including medical debts.[7] A creditor may sue a debtor and, if the creditor prevails, the creditor may receive a final judgment awarding monetary damages.[8] If the debtor does not voluntarily pay the judgment, the creditor has several legal means to collect on the debt, including:

- Wage garnishment.
- Garnishment of money in a bank account.
- Directing the sheriff to seize assets, sell them, and give the proceeds to the creditor.[9]

In order to protect debtors from being destitute, current state law provides that certain property is exempt from being taken by a creditor. The Florida Constitution provides that the debtor's homestead and $1,000 of personal property is exempt.[10] Statutory law provides numerous categories of exempt property, and federal law also provides certain exemptions applicable in all states.[11]

In addition to the protection from creditors contained in the State Constitution, ch. 222, F.S., protects other personal property from certain claims of creditors and legal process: garnishment of wages for a head of family;[12] proceeds from life insurance policies;[13] wages or unemployment compensation payments due to certain deceased employees;[14] disability income benefits;[15] assets in qualified tuition programs; medical savings accounts; Coverdell education savings accounts; hurricane savings accounts;[16] $5,000 interest in a motor vehicle; professionally prescribed health aids; certain refunds or credits from financial institutions; and $4,000 interest in personal

[2] Consumer Financial Protection Bureau, *Medical Debt Burden in the United States*, February 2022, *available at* Medical Debt Burden in the United States (last visited Apr. 9, 2025).
[3] *Id.*
[4] Debt in America 2024, Urban Data Catalog, *Debt in America State-Level Medical Debt*, Sep. 12, 2024, *available at* Debt in America 2024 | Urban Data Catalog, (last visited Apr. 9, 2025).
[5] *Id.*
[6] *Id.*
[7] *See* ch. 56, F.S.
[8] *Id.*
[9] *See* ch. 77, F.S. *See also* ch. 56, F.S.
[10] Art. X, s. 4(a), Fla. Const.
[11] For example, the federal ERISA law provides that most retirement plans are exempt from creditor claims.
[12] Section 222.11, F.S.
[13] Section 222.13, F.S.
[14] Section 222.15, F.S.
[15] Section 222.18, F.S.
[16] Section 222.22, F.S.

property, if the debtor does not claim or receive the benefits of a homestead exemption under the State Constitution.[17]

Changes Specific to Medical Debt

Chapter 2024-183, Laws of Fla., made significant changes to how a hospital or ASC is allowed to collect on debt owed to it. Specifically, the law:[18]

- Prohibits hospitals and ASCs from filing an extraordinary collection action for medical debt;
- Establishes a new three-year statute of limitation period for medical debt collections which begins on the date the hospital or ASC refers the medical debt to a third party;
- Exempts up to $10,000 of a debtor's property from attachment, garnishment, or other legal action by a hospital or ASC to recover a medical debt; and
- Prohibits a hospital or ASC from engaging in extraordinary action to collect a medical debt while a patient 's eligibility for enrollment in, or grievance about other coverages are pending.

Part of the 2024 law created s. 395.3011, F.S., which prohibits a hospital or ASC from engaging in certain billing and collection activities relating to medical debt. Section 395.3011, F.S., defines "extraordinary collection actions" to mean any of the following actions taken by a licensed facility against an individual in relation to obtaining payment of a bill for care covered under the facility's financial assistance policy:

- Selling the individual's debt to another party.
- Reporting adverse information about the individual to consumer credit reporting agencies.
- Deferring, denying, or requiring a payment before providing medically necessary care because of the individual's nonpayment of one or more bills for previously provided care covered under the facility's financial assistance policy.
- Actions that require a legal or judicial process, including, but not limited to:
  - Placing a lien on the individual's property;
  - Foreclosing on the individual's real property;
  - Attaching or seizing the individual's bank account or any other personal property;
  - Commencing a civil action against the individual;
  - Causing the individual's arrest; or
  - Garnishing the individual's wages.

The 2024 law prohibits a hospital or ASC from engaging in an extraordinary collection action to obtain payment for services in the following circumstances:

- Before the facility has made reasonable efforts to determine whether the individual is eligible for assistance under its financial assistance policy for the care provided and, if eligible, before a decision is made by the facility on the patient's application for such financial assistance;
- Before the facility has provided the individual with an itemized statement or bill;
- During an ongoing grievance process as described in s. 395.301(6), F.S., or an ongoing appeal of a claim adjudication;

[17] Section 222.25, F.S.
[18] *See* s. 95.11, F.S. *See also* s. 395.3011, F.S. *See also* s. 222.26, F.S.

- Before billing any applicable insurer or HMO and allowing the insurer or HMO to adjudicate a claim;
- For 30 days after notifying the patient in writing, by certified mail, or by other traceable delivery method, that a collection action will commence absent additional action by the patient; or
- While the individual:
  - Negotiates in good faith the final amount of a bill for services rendered; or
  - Complies with all terms of a payment plan with the facility.

III. Effect of Proposed Changes:

The bill amends s. 395.3011, F.S., to:

- Expand the scope of "extraordinary collection action" to include actions taken in relation to obtaining payment for any bill of care, rather than only bills of care that are covered under a hospital's or ASC's financial assistance policy.
- Allow a hospital or ASC to sell a patient's debt without 30-day notice to the patient if the debt:
  - Is not subject to interest, fees, or and the purchaser of the debt does not take any other extraordinary collection actions; and
  - Is returned to the facility if it is determined that the debt qualifies for charity care under the facility's financial assistance policy.

The bill 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 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:

This bill substantially amends section 395.3011 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 April 8, 2025:
The committee substitute clarifies that in order to sell the debt under the exception to the 30-day notice requirements, the purchaser of the debt must agree to not take any other extraordinary collection actions after purchasing the debt.

CS by Health Policy on March 25, 2025:
The committee substitute eliminates all provisions from the underlying bill except expanding the definition of "extraordinary collection action" to apply to all bills for care and allowing a hospital or ASC to sell a patient's debt without a 30-day notice to the patient under certain circumstances.

B. Amendments:

None.

171482

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment

Delete lines 46 - 47
and insert:
fees and that no other extraordinary collection actions are taken by the purchaser of the debt which could otherwise be taken by the licensed facility, as described in subsection (1).

By the Committee on Health Policy; and Senator Rodriguez

588-02846-25 2025656c1

A bill to be entitled

An act relating to health care billing and collection activities; amending s. 395.3011, F.S.; revising the definition of the term "extraordinary collection action"; authorizing facilities to engage in an extraordinary collection action under certain circumstances; providing an effective date.

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

Section 1. Subsection (1) and paragraph (e) of subsection (2) of section 395.3011, Florida Statutes, are amended to read:

395.3011 Billing and collection activities.—

(1) As used in this section, the term "extraordinary collection action" means any of the following actions taken by a licensed facility against an individual in relation to obtaining payment of a bill for care ~~covered under the facility's financial assistance policy~~:

(a) Selling the individual's debt to another party.

(b) Reporting adverse information about the individual to consumer credit reporting agencies or credit bureaus.

(c) Deferring, denying, or requiring a payment before providing medically necessary care because of the individual's nonpayment of one or more bills for previously provided care covered under the facility's financial assistance policy.

(d) Actions that require a legal or judicial process, including, but not limited to:

1. Placing a lien on the individual's property;

2. Foreclosing on the individual's real property;

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

588-02846-25 2025656c1

3. Attaching or seizing the individual's bank account or any other personal property;

4. Commencing a civil action against the individual;

5. Causing the individual's arrest; or

6. Garnishing the individual's wages.

(2) A facility may not engage in an extraordinary collection action against an individual to obtain payment for services:

(e) For 30 days after notifying the patient in writing, by certified mail, or by other traceable delivery method, that a collection action will commence absent additional action by the patient. However, a facility may engage in an extraordinary collection action without providing 30 days' notice if both of the following conditions are met:

1. The facility contracts to sell an individual's debt to another party, provided that the debt may not incur interest or fees and that no other extraordinary actions are taken, as described in subsection (1).

2. If the debt is later determined to qualify for charity care under the facility's financial assistance policy, such debt is returned to the licensed facility.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 31, 2025

I respectfully request that **CS/SB 656**, relating to Health Care Billing and Collection Activities, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

This bill amends s. 395.3011, F.S., to extend protections from "extraordinary collection actions" by hospitals and ambulatory surgical centers (ASC) to all actions relating to payments of a bill for care. Current protections, created in 2024, apply only to bills for care covered under the hospital's or ASC's financial assistance policy. The bill also allows a hospital or ASC to sell an individual's debt without a 30-day notification to the patient if the hospital or ASC meets specified requirements.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

656
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron LaFace

Phone 850 222 9075

Address 124 W. Jefferson St
Street

Email

TLH 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:
Capito

☐ 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

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 658
INTRODUCER:	Rules Committee and Senator Truenow
SUBJECT:	Waiver or Release of Liens
DATE:	April 8, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Favorable**
2.	Shuler	Fleming	CA	**Favorable**
3.	Collazo	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 658 amends the Construction Lien Law to modify the statutory forms which may be used to waive and release liens, and to expand upon the kinds of payment that a person may use to obtain an executed waiver and release of lien document.

The Construction Lien Law seeks to ensure that people working on construction projects are paid for their work. To ensure payment, any person who provides services, labor, or materials for improving, repairing, or maintaining real property may place a construction lien on the property, provided the person (the "lienor") complies with certain statutory procedures.

When a lienor is seeking a progress payment or final payment for his or her work, the lienor can induce payment by waiving and releasing his or her lien on the property using certain statutory forms. Currently, the lienor can use forms that are substantially similar to the statutory forms, or even forms that are entirely different, which are enforced in accordance with their own terms.

Instead of permitting lienors to use forms that are substantially similar to the statutory forms, or different forms altogether, the bill amends the Construction Lien Law to make it so lienors must use the forms prescribed by statute. Although the bill allows forms that are different from the forms in the statute to be enforced, such forms are only enforceable to the extent their terms do not go beyond the terms included in the statute.

Additionally, under existing Construction Lien Law, a lienor may execute a lien waiver and release in exchange for a check, and may condition the waiver and release on payment of the check. The bill amends the Construction Lien Law to permit other forms of payment in addition to payment by check.

The bill takes effect July 1, 2025.

II. Present Situation:

Construction Liens

Generally

The Construction Lien Law[1] seeks to ensure that people working on construction projects are paid for their work. Any person who provides services, labor, or materials for improving, repairing, or maintaining real property (except public property) may place a construction lien[2] on the property, provided the person complies with statutory procedures.[3] These procedures require the filing or serving of various documents, including a:

- Notice of Commencement.[4]
- Notice to Owner.[5]
- Claim of Lien.[6]
- Notice of Termination.[7]
- Waiver or Release of Lien.[8]
- Notice of Contest of Lien.[9]
- Contractor's Final Payment Affidavit.[10]

[1] Chapter 713, Part I, F.S. *See* s. 713.001, F.S. (providing the short title).
[2] A lien is a claim against property that evidences a debt, obligation, or duty. *See* Legal Information Institute, *Construction Lien*, https://www.law.cornell.edu/wex/construction_lien (last visited Mar. 27, 2025). "A construction lien, also known as a mechanic's lien , laborer's lien , or artisan's lien , is a type of lien that gives contractors a security interest in property until they have been paid for their work on that property. A construction lien offers the holder of this lean [sic] an interest in the property under construction. If a specific debt is not paid, then the construction lien can be enforced against the property upon which the lien exists." *Id.*
[3] Chapter 713, Part I, F.S.
[4] Section 713.13, F.S.
[5] To secure construction lien rights, a person working on a construction project who is not in direct contract ("privity") with the owner must serve a notice to the owner in the statutory form provided; laborers are exempt from this requirement. The notice informs the owner that someone with whom he or she is not in privity is providing services or materials on the property and that such person expects the owner to ensure he or she is paid. The notice must be served no later than 45 days after the person begins furnishing services or materials and before the date the owner disburses the final payment after the contractor has furnished his or her final payment affidavit. After receiving a notice to owner, the owner generally must obtain a waiver or release of lien from the notice's sender before paying the contractor unless a payment bond applies. Otherwise, payments to the contractor may leave the owner liable to the notice sender if the contractor does not pay such person. *See generally* s. 713.06, F.S.; *see also Stock Bldg. Supply of Florida, Inc. v. Soares Da Costa Construction Services, LLC*, 76 So. 3d 313 (Fla 3d DCA 2011) (observing that the "purpose of the notice is to protect an owner from the possibility of paying over to his contractor sums which ought to go to a subcontractor who remains unpaid" (citations omitted)).
[6] Section 713.08, F.S.
[7] Section 713.132, F.S.
[8] Section 713.20, F.S.
[9] Section 713.22(2), F.S.
[10] Section 713.06(3)(d), F.S.

- Request for Sworn Statement of Account.[11]

To record a construction lien on real property, the lienor must record a claim of lien with the clerk's office in the county where the property is located and serve the owner with the claim of lien within 15 days after recording the lien.[12] If a claim of lien is not recorded, the lien is voidable to the extent that the failure to record the claim prejudices any person entitled to rely on service of the claim of lien.[13]

A person may file a claim of lien at any time during the progress of the work but may not file a claim of lien later than 90 days after the person's final furnishing of labor or materials.[14] A person may record a single claim of lien for multiple services or materials provided to different properties so long as such services or materials were provided under the same contract, the person is in privity with the owner, and the properties have the same owner.[15] However, a person may not record a single claim of lien for multiple services or materials if there is more than one contract, even if the contracts for services and materials are with the same owner.[16]

Waiver or Release of Lien

The Construction Lien Law provides that any person may, at any time, waive, release, or satisfy any part of his or her lien under the Construction Lien Law.[17] The waiver, release, or satisfaction of the lien may be either as to the amount due for labor, services, or materials furnished; for labor, services, or materials furnished through a certain date subject to exceptions specified at the time of release; or as to any part or parcel of the real property.[18] A written waiver of the right to file a mechanics' lien is generally valid and effective.[19]

A right to claim a lien may not be waived in advance, and any waiver of a right to claim a lien that is made in advance is unenforceable.[20] A lien may be waived only to the extent of labor, services, or materials furnished.[21] The right to a lien may be waived expressly or by implication.[22] Before such an important right will be deemed to have been waived by the implication of one's conduct, the implication must be clear and unambiguous, and any ambiguity

[11] Section 713.16, F.S.
[12] Section 713.08(4)(c), F.S.
[13] *Id.*
[14] Section 713.08(5), F.S.
[15] Section 713.09, F.S.
[16] *See id.*; *see also Lee v. All Florida Construction Co.*, 662 So. 2d 365, 366-67 (Fla. 3d DCA 1995) (finding that a contractor was required to file two claims of mechanics' lien against a home for construction and subsequent repair work done on the home, even though work was done on the same structure, where construction and repairs were done under two separate contracts).
[17] Section 713.20(3), F.S.
[18] *Id.*
[19] *Greco-Davis Contracting Co. v. Stevmier, Inc.,* 162 So. 2d 285, 285 (Fla. 2d DCA 1964).
[20] Section 713.20(2), F.S
[21] .*Id.*
[22] *Frank Maio General Contractor, Inc. v. Consolidated Elec. Supply, Inc.*, 452 So. 2d 1092, 1093 (Fla. 4th DCA 1984); *Orlando Central Park, Inc. v. Master Door Co. of Orlando, Inc.,* 303 So. 2d 685, 686 (Fla. 4th DCA 1974).

will be resolved against a waiver;[23] but if it is clear that a waiver is intended, the contract will be construed according to the parties' intention.[24]

The Construction Lien Law sets forth the forms to be substantially followed when a lienor is required to execute a waiver or release of lien in exchange for, or to induce payment of, either a progress payment[25] or the final payment.[26] A person may not require a lienor to furnish a lien waiver or release of lien that is different from the forms set forth in the statute;[27] nevertheless, a lien waiver or lien release that is not substantially similar to the forms set forth is enforceable in accordance with its terms.[28]

A lienor who executes a lien waiver and release in exchange for a check may condition the waiver and release on payment of the check.[29] However, in the absence of a payment bond protecting the owner, the owner may withhold from any payment to the contractor the amount of any such unpaid check until any such condition is satisfied.[30]

III. Effect of Proposed Changes:

Under the existing Construction Lien Law, whenever a lienor is required to execute a waiver or release of lien in exchange for, or to induce payment of, a progress payment (see s. 713.20(4), F.S.) or a final payment (see s. 713.20(5), F.S.), the lienor has the option of either:

- Using waiver and release of lien forms that are identical or substantially similar to the forms in s. 713.20(4) and (5), F.S.
- Using waiver and release of lien forms that are not substantially similar to the forms in the statute, in which case the form will be enforced in accordance with its terms.

The bill amends s. 713.20(4) and (5), F.S., to make it so lienors no longer have the option of using waiver and release of lien forms that differ from the forms prescribed by statute. Although the bill allows forms that are different from the forms in the statute to be enforced, such forms are only enforceable to the extent their terms do not go beyond the terms included in the statute.

Additionally, under existing Construction Lien Law, a lienor may execute a lien waiver and release in exchange for a check, and may condition the waiver and release on payment of the check. The bill amends s. 713.20(7), F.S., to permit other forms of payment in addition to payment by check.

The bill takes effect on July 1, 2025.

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[23] *Orlando Central Park, Inc.*, 303 So. 2d at 686.
[24] *Frank Maio General Contractor, Inc.*, 452 So. 2d at 1093.
[25] Section 713.20(4), F.S.
[26] Section 713.20(5), F.S.
[27] Section 713.20(6), F.S.
[28] Section 713.20(8), F.S.
[29] Section 713.20(7), F.S.
[30] *Id.*

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:

By prohibiting the use of waiver and release forms that differ from the statutory forms, those obligated to make payments will have less power to force those entitled to payment to waive additional rights as a condition of receiving payment.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 713.20 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 by Rules on April 8, 2025:
Under the bill, all waiver or release of lien forms must be identical to the forms prescribed by s. 713.20(4) and (5), F.S., to be enforceable. The committee substitute revises the bill to restore the enforceability of waiver or release of lien forms that are different from the forms in subsections (4) and (5), but only to the extent their terms do not go beyond the terms included in those subsections.

B. Amendments:

None.

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

275648

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 70

and insert:

(8) A lien waiver or lien release that is not substantially similar to the forms in subsections (4) and (5) is enforceable in accordance with the terms of the lien waiver or lien release, provided the lien waiver form or lien release form does not include additional terms beyond the forms in subsections (4) and (5).

275648

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete lines 8 - 11
and insert:
of funds, rather than payment of a check; providing construction; providing an effective date.

By Senator Truenow

13-00819-25 2025658__

A bill to be entitled

An act relating to waiver or release of liens; amending s. 713.20, F.S.; requiring that waiver and release of lien forms include specific language; authorizing a lienor who executes such lien and release forms in exchange for payment, rather than a check, to condition such waiver and release on receipt of funds, rather than payment of a check; deleting a provision that a lien waiver or lien release is enforceable if it does not contain such specific language; providing an effective date.

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

Section 1. Subsections (4), (5), (7), and (8) of section 713.20, Florida Statutes, are amended to read:

713.20 Waiver or release of liens.—

(4) When a lienor is required to execute a waiver or release of lien in exchange for, or to induce payment of, a progress payment, the waiver or release must ~~may~~ be in ~~substantially~~ the following form:

WAIVER AND RELEASE OF LIEN
UPON PROGRESS PAYMENT

The undersigned lienor, in consideration of the sum of $...., hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished through ...(insert date)... to ...(insert the name of your customer)...

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

13-00819-25 2025658__

on the job of ...(insert the name of the owner)... to the following property:

...(description of property)...

This waiver and release does not cover any retention or labor, services, or materials furnished after the date specified.

DATED on ...., ...(year).... ...(Lienor)...
By: .....

(5) When a lienor is required to execute a waiver or release of lien in exchange for, or to induce payment of, the final payment, the waiver and release must ~~may~~ be in ~~substantially~~ the following form:

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of $....., hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to ...(insert the name of your customer)... on the job of ...(insert the name of the owner)... to the following described property:

...(description of property)...

DATED on ...., ...(year).... ...(Lienor)...

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

By: .....

(7) A lienor who executes a lien waiver and release in exchange for payment ~~a check~~ may condition the waiver and release on receipt of funds ~~payment of the check~~. However, in the absence of a payment bond protecting the owner, the owner may withhold from any payment to the contractor the amount of any such unpaid funds ~~check~~ until any such condition is satisfied.

~~(8) A lien waiver or lien release that is not substantially similar to the forms in subsections (4) and (5) is enforceable in accordance with the terms of the lien waiver or lien release.~~

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

April 2, 2025

The Honorable Kathleen Passidomo
400 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request SB 658 Waiver or Release of Liens be placed on your next available Rules Committee agenda.

This good bill requires that a waiver and release of lien forms include specific language authorizing a lienor who executes such lien and release forms in exchange for payment, rather than a check, to condition such waiver and release on receipt of funds, rather than payment of a check. It also deletes a provision that a lien waiver or lien release is enforceable if it does not contain such specific language.

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

cc: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
❒ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
❒ 16207 State Road 50, Suite 401, Clermont, Florida 34711
❒ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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4/18/25
Meeting Date

Rules
Committee

658
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeffrey Sharkey

Phone 850 224 1660

Address 106 E College Ave
Street

Email jeffreyshark@gmail.com

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:
National Electrical Contractors 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

658
Bill Number or Topic

Amendment Barcode (if applicable)

Name Melissa Ramba

Phone (850) 681-0024

Address 108 S Monroe St
Street

Email melissa@flapartners.com

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:
Natl. Assn. of Credit Management

☐ 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

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 710
INTRODUCER:	Criminal Justice Committee and Senator Osgood
SUBJECT:	Public Records/Crime Stoppers Organizations
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.	McVaney	McVaney	GO	**Favorable**
3.	Wyant	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 710 exempts from public records copying and inspection requirements certain identifying and location information of current or former employees, board members and volunteers, and their spouses and children, of crime stoppers organizations.[1]

The bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former employees, board members, and volunteers of crime stoppers organizations;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of the employees, board members, and volunteers;
- The names and locations of schools and day care facilities attended by the children of the employees, board members, and volunteers.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

[1] "Crime stoppers organization" means a private not-for-profit organization that collects and expends donations for rewards to persons who report to the organization information concerning criminal activity, and forwards that information to appropriate law enforcement agencies. Section 16.557(1)(a), F.S.

The bill creates a new public records exemption and, therefore, requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

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

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[2] The right to inspect or copy 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.[3]

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[4] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[5] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[6]

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 connections with the transaction of official business by any agency.

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[2] FLA. CONST. art. I, s. 24(a).
[3] *Id*.
[4] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).
[5] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[6] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to "perpetuate, communicate, or formalize knowledge of some type."[7]

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 public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.[8] A violation of the Public Records Act may result in civil or criminal liability.[9]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[10] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[11]

General exemptions from the public records requirements are contained in the Public Records Act.[12] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[13]

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*.[14] 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.[15] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[16]

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), "home addresses" is defined as the dwelling location at which an individual resides and includes the

[7] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc*., 379 So. 2d 633, 640 (Fla. 1980).
[8] Section 119.07(1)(a), F.S.
[9] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[10] FLA. CONST. art. I, s. 24(c).
[11] *Id*. *See, e.g.*, *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).
[12] *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).
[13] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[14] *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[15] *Id*.
[16] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, "telephone numbers" is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include, but are not limited to, sworn law enforcement personnel and active or former civilian personnel employed by a law enforcement agency;[17] current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;[18] current or former state attorneys;[19] current or former public defenders;[20] county tax collectors;[21] and clerks of a circuit court.[22]

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers[23] and county tax collectors[24] holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.[25]

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.[26]

[17] Section 119.071(4)(d)2.a., F.S. This would presumably include elected law enforcement officers such as sheriffs.
[18] Section 119.071(4)(d)2.e., F.S.
[19] Section 119.071(4)(d)2.f., F.S.
[20] Section 119.071(4)(d)2.l., F.S.
[21] Section 119.071(4)(d)2.n., F.S.
[22] Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.
[23] *See* s. 192.001(3), F.S.
[24] *See* s. 192.001(4), F.S.
[25] Section 119.071(4)(d)4., F.S.
[26] Section 119.071(4)(d)3., F.S.

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.[27] Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling[28] or upon his or her death.[29]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[30] (the act), prescribe a legislative review process for newly created or substantially amended[31] public records or open meetings exemptions, with specified exceptions.[32] 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.[33] 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.[34] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the 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 subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;[35]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[36] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[37]

The Act also requires specified questions to be considered during the review process.[38] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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[27] Section 119.071(4)(d)6., F.S.
[28] The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.
[29] A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.
[30] Section 119.15, F.S.
[31] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[32] 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.
[33] Section 119.15(3), F.S.
[34] Section 119.15(6)(b), F.S.
[35] Section 119.15(6)(b)1., F.S.
[36] Section 119.15(6)(b)2., F.S.
[37] Section 119.15(6)(b)3., F.S.
[38] Section 119.15(6)(a), F.S. The specified questions are:

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.[39] If the exemption is continued without substantive changes or if the exemption is continued and 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.[40]

Crime Stoppers

Crime Stoppers programs are non-profit organizations led by citizens against crime, founded on the concept that someone other than the criminal has information that can help solve a crime. These programs offer anonymity to anyone who can provide information about crimes and subsequently pay rewards when such information leads to the felony arrest of criminals and fugitives.[41]

The idea of providing a reward to someone with information about a crime originated in Albuquerque, New Mexico, when a detective was tasked with solving a homicide with no leads. He thought to make a video re-enactment of the murder and guarantee anonymity for anyone who was willing to call with information about the crime. After receiving calls following the re-enactment, one of which allowed police to solve a different crime, the detective persuaded the Albuquerque Police Department to permit citizens to establish the first Crime Stoppers program.[42]

The Florida Association of Crime Stoppers (FACS) is a statewide umbrella organization operated by a volunteer board of directors from the 27 Crime Stopper programs throughout the state of Florida. The aim of FACS is to help establish local programs, and provide ongoing training, advocacy and mentoring to established programs and new programs alike.[43]

Local citizens are responsible for forming local Crime Stopper programs. Civilian-based boards of directors generally oversee the program, establishing policies and providing direction as to the financial and promotional activities of the program.

- 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?

[39] *See generally* s. 119.15, F.S.
[40] Section 119.15(7), F.S.
[41] Crime Stoppers USA, *About CSUSA*, https://www.crimestoppersusa.org/profile/ (last visited March 29, 2025).
[42] Florida Association of Crime Stoppers, *Our History*, https://facsflorida.org/who-we-are/our-history/ (last visited March 29, 2025).
[43] Florida Association of Crime Stoppers, *Who We Are?*, https://facsflorida.org/#pg-8-4 (last visited March 29, 2025).

III. Effect of Proposed Changes:

The bill exempts from public records copying and inspection requirements certain identifying and location information of current or former employees, board members and volunteers, and their spouses and children, of crime stoppers organizations.

The bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former employees, board members, and volunteers of crime stoppers organizations;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of the employees, board members, and volunteers;
- The names and locations of schools and day care facilities attended by the children of the employees, board members, and volunteers.

Pursuant to s. 119.071(4)(d)6., F.S., this new exemption will apply to information held by an agency before, on, and after the effective date of the exemption (July 1, 2025, in this instance).

Consistent with s. 119.15, F.S., the new exemptions will expire on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Additionally, the bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of certain personal identifying and location information may jeopardize the safety of the employees, board members, volunteers of crime stoppers organizations, and their family members.

The bill takes effect July 1, 2025.

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 requirements. This bill enacts a new exemption for records pertaining to employees, board members, and volunteers of crime stopper organizations; therefore, the bill requires a two-thirds vote of each chamber 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 requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

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 employees, board members, and volunteers of crime stopper organizations and their family members, and the bill exempts only records pertaining to those persons from the public records requirements. The purpose of the exemption is to protect those persons that forward tips on criminal activities and pay rewards. It is unclear how a board member of a nonprofit or a volunteer of such entity would be involved in such actions. Thus, the inclusion of these persons and their families may be result in the exemption being overly broad (or the public necessity for such exemption may not be justified).

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:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may cause a minimal increase in workload on agencies holding records that contain the exempt information of current or former employees, board members and volunteers, and their spouses and children, of crime stoppers organizations because staff

responsible for complying with public record requests may require training related to the new public record exemption.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 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 by Criminal Justice on March 11, 2025:

The committee substitute:

- Expands the public record exemption to include former employees of crime stoppers organizations.

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 Committee on Criminal Justice; and Senator Osgood

591-02286-25 2025710c1

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for specified personal identifying and location information of employees of crime stoppers organizations and the board members and volunteers of such crime stoppers organizations; providing for future legislative review and repeal of the exemption; providing for retroactive application; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

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

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers,

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personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

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personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former

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justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division

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of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of

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employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and

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places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination

or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the

children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators of the Department of Agriculture and Consumer Services; the

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand

repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and

saved from repeal through reenactment by the Legislature.

z. The home addresses, telephone numbers, dates of birth, and photographs of current or former employees of crime stoppers organizations as defined in s. 16.557(1), and the board members and volunteers of such crime stoppers organizations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of the current or former employees, board members, and volunteers of such crime stoppers organizations; and the names and locations of schools and day care facilities attended by the children of the current or former employees, board members, and volunteers of such crime stoppers organizations are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s.

192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information

held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise

prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of employees of crime stoppers organizations as defined in s. 16.557(1), Florida Statutes, and the board members and volunteers of such crime stoppers organizations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such employees, board members, and volunteers; and the names and locations of schools and day care facilities attended by the children of such employees, board members and volunteers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The friends, associates, and family members of people who are involved in criminal investigations may retaliate against crime stoppers employees, board members, and volunteers while they perform their duties, which include collecting sensitive tip information, forwarding this information to appropriate law enforcement agencies, and paying out rewards to anonymous tipsters. Such retaliatory acts may also be targeted at the spouses and children of crime stoppers employees, board members,

and volunteers. If such identifying and location information is released, the safety of current and former crime stoppers employees, board members, and volunteers and their spouses and children could be seriously jeopardized. The Legislature therefore finds that the harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect July 1, 2025.

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

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 726
INTRODUCER:	Senator Ingoglia
SUBJECT:	False Reporting
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Favorable**
2.	Schrader	Imhof	RI	**Favorable**
3.	Wyant	Yeatman	RC	**Favorable**

I. Summary:

SB 726 amends s. 365.172, F.S., to require any person who misuses the 911 system to be liable for the costs of prosecution and investigation. Current law provides that specified misuse of the 911 systems is a first degree misdemeanor for a first offense.

The bill amends s. 837.05, F.S., to require any person who knowingly gives false information to law enforcement authorities concerning the alleged commission of any crime to be liable for the costs of prosecution and investigation. Additionally, the bill requires a person to be liable for restitution if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

The bill takes effect on July 1, 2025.

II. Present Situation:

According to the Educator's School Safety Network, in the 2022-2023 school year, there were more than 446 false reports, or "swatting calls," of an active shooter within a school comprising 63.8% of all violent incidents, while 7.9% of all violent incidents were actual shootings at a school.[1] "Swatting" is false reporting an emergency to public safety by a person for the intent of getting a SWAT team response to a location where no emergency exists.[2]

Swatting is not the sole improper use of 911. For example, in January 2025, a Florida woman was arrested for overusing the 911 system. Authorities allege the woman called the county's 911

[1] Educator's School Safety Network, *Swatting Incidents in American Schools 2022-2023*, available at: https://eschoolsafety.org/swatting (last visited March 28, 2025).
[2] 911.gov, *Public Safety Information on "Swatting,"* available at: https://www.911.gov/assets/National_911_Program_Public_Safety_Information_Swatting_2015.pdf (last visited March 28, 2025).

dispatch line over 30 times in the previous year. In the event that immediately preceded her arrest, the woman called 911 for knee pain, stating her doctor wants her to get an x-ray. The defendant was aware that her pain did not constitute a medical emergency, but lacking the ability to get herself to the hospital, she called 911 for transport.[3]

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.[4] The Emergency Communications Act prohibits the misuse of the 911, E911,[5] and NG911[6] systems.[7]

Section 365.172(14), F.S., provides it is a first degree misdemeanor[8] for a person to:

- Access 911 for the purpose of making a false alarm or complaint or reporting false information that could result in the emergency response of any public safety agency;
- Knowingly use or attempt to use such service for a purpose other than obtaining public safety assistance; or
- Knowingly use or attempt to use such service in an effort to avoid any charge for service.

If the value of the service or the service charge exceeds $100, the person commits a third degree felony.[9,10]

Additionally, a person commits a third degree felony if he or she continues to engage in the unauthorized use of service after being convicted of unauthorized use of such service four times.[11]

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[3] Law & Crime, *"My knee hurts,"* Colin Kalmbacher (January 15, 2025), available at: https://lawandcrime.com/crime/my-knee-hurts-florida-woman-arrested-after-allegedly-calling-911-over-30-times-in-a-single-year/ (last visited March 24, 2025).
[4] Section 365.172(2)(a)-(b), F.S.
[5] "Enhanced 911" or "E911" means an enhanced 911 system or an enhanced 911 service that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.
[6] "Next Generation 911" or "NG911" means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for public safety answering points and other emergency service organizations. Section 365.172(3)(s), F.S.
[7] Section 365.172(14), F.S.
[8] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to $1,000. Sections 775.082 and 775.083, F.S.
[9] Section 365.172(14), F.S.
[10] Punishable as provided in ss. 775.082, 775.083, or 775.084, F.S. A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000.
[11] Section 365.172(14), F.S.

False Reports to Law Enforcement

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.[12]

Pursuant to s. 837.05, F.S., it is a first degree misdemeanor for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.

It is a third degree felony if the person committing this offense has a previous conviction for such offense and the information given to the law enforcement officer was either communicated in writing, or communicated orally and the officer's account of that information is corroborated by:

- An audio recording or audio recording in a video of that information;
- A written or recorded statement made by the person who gave that information; or
- Another person who was present when that person gave that information to the officer and heard that information.

It is also a third degree felony for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony.[13]

FortifyFL

FortifyFL is a mobile suspicious activity reporting platform that allows school students and the community to anonymously relay information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.[14]

Section 943.082, F.S., provides that if, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation and the reporting party may be subject to the criminal penalties under s. 837.05, F.S., listed above.

In the 2024 Legislative Session, lawmakers passed HB 1473 to require that instruction on the use of FortifyFL is provided to students. The instruction is to be age and developmentally

[12] Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347 (last visited March 28, 2025).
[13] A capital felony most often refers to murder under s. 782.04, F.S., or sexual battery pursuant to s. 794.011, F.S., however there are several other offenses that may result in a capital felony such as drug trafficking offenses and offenses relating to weapons of mass destruction and destructive devices.
[14] Section 943.082(1), F.S.

appropriate and include the consequences for making a threat or false report as described in ss. 790.162[15] and 790.163, F.S.[16,17]

Federal Provisions

Under Title 18 U.S.C. 1038, also known as the false information and hoaxes law, it is illegal for a person to engage in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that it relates to certain criminal chapters of law such as crimes or threats involving biological or chemical weapons; crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.

A person who commits an offense under this federal law shall:
- Be fined or imprisoned for not more than 5 years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

III. Effect of Proposed Changes:

The bill amends s. 365.172, F.S., to require any person who misuses the 911 system to be liable for the costs of prosecution and investigation. Current law provides that specified misuse of the 911 systems is a first degree misdemeanor for a first offense.

The bill amends s. 837.05, F.S., to require any person who knowingly gives false information to law enforcement authorities concerning the alleged commission of any crime to be liable for the costs of prosecution and investigation. Additionally, the bill requires a person to be liable for restitution if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

The bill reenacts s. 943.082, F.S. to provide false tips made through FortifyFL may be subject to criminal penalties under s. 837.05, F.S., including the liability for the costs of prosecution and investigation stemming from such false tip.

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[15] Section 790.162, F.S., provides it is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person. The offense is a second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., generally not more than 15 years in state prison and a fine not exceeding $10,000.

[16] Section 790.163, F.S., provides it is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons. The offense is a second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., generally not more than 15 years in state prison and a fine not exceeding $10,000.

[17] Ch. 2024-155, Laws of.Fla.

The bill takes effect on July 1, 2025

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 365.172 and 837.05. This bill reenacts section 943.082 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.

By Senator Ingoglia

11-00303-25 2025726__

A bill to be entitled

An act relating to false reporting; amending s. 365.172, F.S.; providing that a person who misuses emergency communication systems is liable for the costs of prosecution and investigation; amending s. 837.05, F.S.; providing that a person who makes a false report to law enforcement authorities is liable for the costs of prosecution and investigation; providing that such persons are also liable for restitution if the false report involves another person who sustained injuries or property damage as a result of the false report; reenacting s. 943.082(2)(c), F.S., relating to the School Safety Awareness Program, to incorporate the amendment made to s. 837.05, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (14) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications.—

(14) MISUSE OF 911, E911, OR NG911 SYSTEM; PENALTY.—911, E911, and NG911 service must be used solely for emergency communications by the public. Any person who accesses the number 911 for the purpose of making a false alarm or complaint or reporting false information that could result in the emergency response of any public safety agency; any person who knowingly uses or attempts to use such service for a purpose other than

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11-00303-25 2025726__

obtaining public safety assistance; or any person who knowingly uses or attempts to use such service in an effort to avoid any charge for service, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. After being convicted of unauthorized use of such service four times, a person who continues to engage in such unauthorized use commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates this subsection is liable for the costs of prosecution and investigation under s. 938.27. In addition, if the value of the service or the service charge obtained in a manner prohibited by this subsection exceeds $100, the person committing the offense commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Subsections (3) and (4) are added to section 837.05, Florida Statutes, to read:

837.05 False reports to law enforcement authorities.—

(3) A person who violates this section is liable for the costs of prosecution and investigation under s. 938.27.

(4) A person who violates this section is liable for restitution under s. 775.089 if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

Section 3. For the purpose of incorporating the amendment made by this act to section 837.05, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 943.082, Florida Statutes, is reenacted to read:

943.082 School Safety Awareness Program.—

(2) The reporting tool must notify the reporting party of

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the following information:

(c) That if, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the Internet protocol (IP) address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation and the reporting party may be subject to criminal penalties under s. 837.05. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report will remain anonymous.

Section 4. This act shall take effect July 1, 2025.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Transportation, Tourism, and Economic Development
Fiscal Policy
Regulated Industries
Rules

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR BLAISE INGOGLIA
11th District

April 2nd, 2025

The Honorable Kathleen Passidomo, Chair
Rules Committee
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 726 False Reporting

President Passidomo,

Senate Bill 726 has been referred to the Rules Committee as its final committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

Blaise Ingoglia
State Senator, District 11

CC'd: Tom Yeatman, Shasta Kruse, Cynthia Futch

REPLY TO:
❒ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
❒ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/8/25
Meeting Date

Rules
Committee

SB 726
Bill Number or Topic

Amendment Barcode (if applicable)

Name Emily Perez

Phone 813 731 3536

Address PO Box 13184
Street

Email

St Petersburg FL 33733
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. 2020-2022JointRules.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

4/08/25
Meeting Date

Rules
Committee

SB 726
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lilly Nalls

Phone

Address P.O Box 13184
Street

Email

St. Petersburg FL 33733
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.

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/8/2025
Meeting Date

Rules
Committee

SB 726
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson for Volusia Sheriffs office

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DeLand FL 32720
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

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4/8/2025
Meeting Date

Rules
Committee

SB 726
Bill Number or Topic

Amendment Barcode (if applicable)

Name Isabela Hodge

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City *State* *Zip*

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

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The Florida Senate

APPEARANCE RECORD

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9 April 25
Meeting Date

Rules
Committee

SB 726
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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:

Center for Security Policy

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S-001 (08/10/2021)

The Florida Senate

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04/08/2025
Meeting Date

Rules
Committee

SB 726
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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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 736
INTRODUCER:	Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; Senators Truenow and Brodeur
SUBJECT:	Brownfields
DATE:	April 7, 2025
REVISED:	

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 736 provides that if the person responsible for a brownfield site rehabilitation demonstrates the applicable contamination cleanup criteria has been met, and the brownfield site is part of a larger contaminated site, the Department of Environmental Protection (DEP) or any delegated local pollution control program may not deny a "no further action" status or refuse to issue a site rehabilitation completion order for the brownfield site, regardless of whether it has engineering and institutional controls. The bill deletes provisions related to local governments' role in mapping institutional controls.

The bill removes a provision that prohibited unpermitted sites that were operated for monetary compensation (i.e., sites that charged fees or levied assessments for the disposal of solid waste at a landfill, dump, or other area where solid waste has been disposed) from claiming tax credits for the costs of solid waste removal under the brownfield program.

The bill also allows persons organized or united with a local governmental entity for a business purpose to participate in the program, provided they did not cause or contribute to the brownfield site.

The bill also provides that, for sites subject to certain federal enforcement actions or permits that would otherwise be ineligible to participate in the brownfield program, the DEP must allow participation if the U.S. Environmental Protection Agency (EPA) issues a letter stating it has no

objection to a site's participation in a brownfield program, and the person seeking to participate in the brownfield program can reasonably demonstrate that he or she will conduct site rehabilitation pursuant the rules governing contamination cleanup criteria. The bill provides that the DEP may not require as a condition of such letter that the EPA forego enforcement of federal corrective action authority at brownfield sites that have received a site rehabilitation completion order.

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

The bill takes effect on July 1, 2025.

II. Present Situation:

Brownfields Program Overview

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.[1] The Florida Brownfields Redevelopment Act was adopted by the Florida Legislature in 1997, to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites.[2] Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.[3] Since inception of the program in 1997, 235 contaminated sites have been cleaned up; approximately 89,976 confirmed and projected direct and indirect jobs have been created; and $3.188 billion in capital investment is projected in designated brownfield areas.[4]

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.[5] A brownfield area designation can also be proposed by other persons, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, and not-for-profit corporations.[6] In such cases, the local government with jurisdiction over the proposed brownfield area must adopt a resolution to designate the brownfield area if, at a public hearing, the person proposing the designation establishes the following:

- A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
- The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least five new permanent jobs at the

[1] Florida Dep't of Environmental Protection (DEP), *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, 4 (2024), *available at* https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf. (last visited Mar. 22, 2025).
[2] Chapter 97-277, s. 1, Laws of Fla.; ss. 376.77-376.86, F.S.
[3] The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24 at* 4.
[4] *Id.* at 2.
[5] The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 5, *available at* https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf. (last visited Mar. 22, 2025).
[6] Section 376.80(1)(b)2. and (2)(c), F.S.

brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing[7] or the creation of recreational areas, conservation areas, or parks.

- The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations.
- Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation.
- The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.[8]

If the local government proposes the designation, the local government must consider:

- Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
- Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
- Whether the area has potential to interest the private sector in participating in rehabilitation; and
- Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.[9]

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.[10] These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (BSRA), including the job bonus tax refund or refunds on sales and use tax paid on the purchase of building materials used in a mixed-use project or housing project. If contamination is known or suspected, the local government may designate an area and identify the person responsible for brownfield site rehabilitation. This entitles the identified person to negotiate a BSRA with the Department of Environmental Protection (DEP).[11]

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[7] "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households of extremely-low-income persons, very-low-income persons, low-income persons, or moderate-income persons. Section 420.0004(3), F.S.

[8] Section 376.80(2)(c), F.S. "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Section 376.79(5), F.S. "Brownfield sites" means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination. Section 376.79(4), F.S.

[9] Section 376.80(2)(a), F.S.

[10] The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 5, *available at* https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf. (last visited Mar. 22, 2025).

[11] *Id.*

Site rehabilitation completion orders are issued for sites that have completed cleanup of property to standards protective of human health and the environment, as established by ch. 62-780 of the Florida Administrative Code., and for which "no further action" is required at that time.[12]

Program Eligibility

Any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, is eligible to participate in the brownfield program.[13] However, certain sites are not eligible for participation unless a specific exemption is secured by a memorandum of agreement (MOA) with the U.S. Environmental Protection Agency (EPA).[14] This applies to sites that (1) are subject to ongoing federal enforcement or corrective actions pursuant to the Comprehensive Environmental Response Compensation and Liability Act, the Safe Drinking Water Act, or the Clean Water Act; (2) under an order from the EPA pursuant to s. 3008(h) of the Resource Conservation and Recovery Act; or (3) have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility; a postclosure permit; or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984.[15] Likewise, if a brownfield site within an eligible brownfield area later becomes subject to formal federal enforcement or corrective actions, its eligibility will be revoked unless specific exemptions are secured through an EPA memorandum of agreement.[16]

In addition, otherwise eligible persons who, prior to the DEP's approval of a BSRA, are subject to ongoing corrective action or enforcement under state authority, including those persons subject to a pending consent order with the state, are eligible for participation in a BSRA if:

- The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately result in increased economic productivity at the site, including at a minimum the creation of 10 new permanent jobs, whether full-time or part-time, which are not associated with implementation of the BSRA; and
- The person is complying in good faith with the terms of an existing consent order or a DEP-approved corrective action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the DEP or an approved local pollution control program.[17]

Liability Protection

Any person who executes and implements a BSRA to successful completion is relieved of:

- Further liability for remediation of the contaminated site or sites to the state and to third parties.

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[12] *Id.* "No further action" is a term of art for a determination by DEP that no further action is necessary to address the environmental issues at the property. *See generally* DEP, *Brownfields Program*, https://floridadep.gov/waste/waste-cleanup/content/brownfields-program (last visited Mar. 12, 2025); Fla. Admin. Code R. 62-780.680.

[13] Section 376.82(1), F.S.

[14] *See* section 376.82(1)(a), F.S. *See* EPA and DEP, *Memorandum of Agreement between the Florida Department of Environmental Protection and the United States Environmental Protection Agency Region 4* (2005), *available at* https://floridadep.gov/sites/default/files/Brownfields%20MOA%20with%20EPA%2011-28-05_0.pdf. (last visited Mar. 22, 2025).

[15] *Id.*

[16] *Id.*

[17] Section 376.82(1)(b), F.S.

- Liability in contribution to any other party who has or may incur cleanup liability for the contaminated site or sites.
- Liability for claims of property damages, (e.g., diminished value of real property, lost or delayed rent, sale, or use of real property or improvements, or stigma to real property or improvements caused by contamination addressed by a brownfield site rehabilitation agreement).[18]

This does not limit the right of a third party other than the state to pursue an action for personal injury damages; however, such an action may not compel site rehabilitation in excess of that required in the approved brownfield site rehabilitation agreement or otherwise required by the DEP or approved local pollution control program.[19]

Liability protection becomes effective upon execution of a BSRA.[20] Completion of the performance of the remediation obligations at the brownfield site must be evidenced by a site rehabilitation completion letter or a "no further action" letter issued by the DEP or the approved local pollution control program.[21]

In an effort to secure federal liability protection for persons willing to undertake remediation responsibility at a brownfield site, the DEP negotiated an MOA with the EPA, whereby the EPA agreed to forego enforcement of federal corrective action authority at brownfield sites that have received a site rehabilitation completion or "no further action" determination from the DEP or the approved local pollution control program or that are in the process of implementing a BSRA.[22] Through the MOA, certain sites subject to corrective action under federal Comprehensive Environmental Response Compensation and Liability Act and Resource Conservation and Recovery Act authority are eligible for state brownfields incentives.[23]

Voluntary Cleanup Tax Credits (VCTC)

In 1998, the Florida Legislature established the VCTC program to provide an incentive for the voluntary cleanup of drycleaning solvent-contaminated sites and brownfield sites in designated brownfield areas.[24] Only those brownfield sites with an executed BSRA are eligible to apply for a VCTC incentive.[25] For these eligible sites, a tax credit of 50 percent is allowed for the cost of

[18] Section 376.82(2)(a), F.S. This liability protection does not apply to a person who discharges contaminants on property subject to a brownfield site rehabilitation agreement, who commits fraud in demonstrating site conditions or completing site rehabilitation of a property subject to a brownfield site rehabilitation agreement, or who exacerbates contamination of a property subject to a brownfield site rehabilitation agreement in violation of applicable laws which causes property damages. *Id.*
[19] Section 376.82(2)(b), F.S.
[20] Section 376.82(2)(d), F.S.
[21] Section 376.82(2)(e), F.S.
[22] Section 376.82(2)(g), F.S. *See* EPA and DEP, *Memorandum of Agreement between the Florida Department of Environmental Protection and the United States Environmental Protection Agency Region 4*, 4 (2005), *available at* https://floridadep.gov/sites/default/files/Brownfields%20MOA%20with%20EPA%2011-28-05_0.pdf. (last visited Mar. 22, 2025).
[23] Section 376.81(1)(a), F.S.; DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 9, *available at* https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf. (last visited Mar. 22, 2025).
[24] *Id.* at 7.
[25] *Id.*

voluntary cleanup activity that is integral to site rehabilitation, with a maximum of $500,000 allowed per site per year.[26] An additional 25 percent of the total site rehabilitation costs, not to exceed $500,000, may also be claimed in the final year of cleanup as evidenced by the DEP issuing a "no further action" order for that site.[27]

Additionally, a one-time 50 percent tax credit may be claimed for costs related to solid waste removal at a brownfield site, with a maximum of $500,000 allowed per site.[28] To claim the tax credit, the applicant must submit an affidavit stating that, after consultation with appropriate local government officials and the DEP, to the best of the applicant's knowledge based upon such consultation and available historical records, the brownfield site was never operated as a permitted solid waste disposal area or was never operated for monetary compensation.[29]

For site rehabilitation tax credits, a tax credit application must be received by the DEP's Division of Waste Management by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.[30] On or before May 1, the DEP must inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due.[31] If the DEP determines that an application is incomplete, it must notify the applicant in writing and the applicant will have 30 days after receiving such notification to correct any deficiency.[32] The May 1 deadline for annual site rehabilitation tax credit certificate awards does not apply to any tax credit application for which the DEP has issued a notice of deficiency.[33] The DEP must respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency.[34]

Tax credits are applied against the state corporate income tax and are eligible for a one-time transfer within a five-year period.[35] Tax credit certificates are awarded by the DEP from an annual $35 million authorization.[36] Tax credit awards in excess of $35 million for any given fiscal year are issued from the next available tax credit authorization.[37] The VCTC program has approved approximately $201.2 million in tax credits since it began more than 20 years ago.[38]

[26] *Id.*; section 376.30781(3)(a) and (b), F.S.
[27] Section 376.30781(3)(c), F.S.
[28] The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 7; section 376.30781(3)(e), F.S.
[29] Section 376.30781(3)(e), F.S.
[30] Section 376.30781(5)(a), F.S.
[31] Section 376.30781(9), F.S. Tax credit applications claiming costs for solid waste removal are not subject to the calendar-year limitation and January 31 annual application deadline. Section 376.30781(3)(e), F.S.
[32] Section 376.30781(8)(a), F.S.
[33] Section 376.30781(9), F.S.
[34] *Id.*
[35] The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 7, *available at* https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf.
[36] The DEP, *Voluntary Cleanup Tax Credit*, https://floridadep.gov/waste/waste-cleanup/content/voluntary-cleanup-tax-credit (last visited on Mar. 12, 2025).
[37] *Id.*
[38] The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 7. This also includes incentives for the voluntary cleanup of drycleaning solvent-contaminated sites. *See id.*

Local Pollution Control Programs

Counties and municipalities may establish and administer a local pollution control program provided it complies with all other provisions of the Florida Air and Water Pollution Control Act (FAWPCA).[39] All local pollution control programs must:[40]

- Be approved by the DEP as adequate to meet the requirements of the FAWPCA and any applicable rules and regulations pursuant thereto;
- Provide by ordinance, regulation, or local law for requirements compatible with, or stricter or more extensive than those imposed by the FAWPCA and regulations issued thereunder;
- Provide for the enforcement of such requirements by appropriate administrative and judicial process; and
- Provide for administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its program.

If the DEP determines that a local pollution control program is inadequate to prevent and control pollution, or is being administered in a manner inconsistent with the requirements of the FAWPCA, it may require necessary corrective measures.[41] If these corrective measures are not implemented, the DEP may reassume implementation of the FAWPCA within the jurisdiction.[42] Each local pollution control program must cooperate with and assist the DEP in carrying out its powers, duties, and functions.[43]

III. Effect of Proposed Changes:

Section 1 amends s. 376.303, F.S., regarding the powers and duties of the Department of Environmental Protection (DEP). The bill eliminates the requirement for brownfield property owners to provide local governments with institutional control information for mapping purposes when a contaminated site in a designated brownfield area has such controls in place. It also removes the obligation for local governments to: (1) note the existence of institutional controls on land use and zoning maps; and (2) remove such notations when the local government is provided with evidence that the DEP has issued a "no further action" order without institutional controls for a site currently noted on such maps.

Under current law, the DEP must maintain a registry of all contaminated sites located in a brownfield area which are subject to institutional and engineering controls. Sites for which the DEP has issued a "no further action" order must be removed from this registry. The bill amends this to require that sites be removed from the registry when the DEP has issued a "site rehabilitation completion order," rather than a "no further action order."

Section 2 amends s. 376.30781, F.S., regarding tax credits for rehabilitation of brownfield sites in designated brownfield areas. The bill removes the provision that the additional 25 percent tax credit for site rehabilitation costs can be claimed in the final year of cleanup as evidenced by a "no further action" order issued by the DEP. Instead, the bill provides that the credit may be

[39] Section 403.182, F.S.; *see also* ch. 67-436, s. 2, Laws of Fla. (identifying the short title of the act).
[40] Section 403.182(1), F.S.
[41] *See* section 403.182(4), F.S.
[42] *See id.*
[43] Section 403.182(10), F.S.

claimed if the DEP approves the applicant's annual site rehabilitation application and issues a site rehabilitation completion order. The bill provides that the tax credit applicant must submit the claim for the additional 25 percent within two years after receipt of the site rehabilitation completion order for that site.

Under current law, costs related to solid waste removal are eligible for a tax credit if the applicant submits an affidavit stating that, to the best of the applicant's knowledge based upon a consultation with appropriate local government officials and available historical records, the brownfield site was never operated as a permitted solid waste disposal area or was never operated for monetary compensation, and the applicant submits all other required documentation and certifications required by law.[44] The bill limits the restriction to sites that were never operated as a permitted solid waste disposal area regulated by modern DEP rules but eliminates both the affidavit requirement and the requirement that the brownfield site was never operated for monetary compensation.[45]

The bill also extends the deadline for the DEP to notify tax credit applicants of their eligibility status and credit amount from May 1 to June 1. It also gives the DEP an additional 30 days (for a total of 120 days instead of the current 90 days) to respond after receiving a tax credit applicant's response to a notice of deficiency.

Section 3 amends s. 376.78, F.S., regarding the legislative intent for the Pollutant Discharge Prevention and Control Act. Currently, this statute provides that the reduction of public health and environmental hazards on "existing commercial and industrial" sites is vital to their use and reuse as sources of employment, housing, recreation, and open space areas. The bill changes "existing commercial and industrial sites" to "sites proposed to be rehabilitated and redeveloped."

Section 4 amends s. 376.79, F.S., which provides definitions for the Brownfields Redevelopment Act. Currently, this statute defines "brownfield sites" as real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination. The bill changes the term "brownfield sites" to "brownfield" and adds that the term only includes real property which has not yet been entered into a brownfield site rehabilitation agreement.

The bill adds the following new definition for "brownfield site": the real property identified in a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation of the property and the DEP or a delegated local pollution control program, as applicable.

Section 5 amends s. 376.81, F.S., regarding brownfield site and brownfield areas contamination cleanup criteria. The bill includes the following legislative findings:

- Rehabilitation and redevelopment of a potential brownfield site that is a portion of a larger contaminated site is significantly complicated when multiple parties may own, lease, or operate different portions of the contaminated site.

[44] *See* section 376.30781(3)(e), F.S.
[45] The bill also removes the definition for "monetary compensation." The term is not used elsewhere in this section of law.

- Delaying a person's ability to achieve a "No Further Action" status for a potential brownfield site until such time as the owners, lessees, or operators of all other portions of the larger historical contaminated site have completed site rehabilitation on their respective portions is not in the public's interest, as such delay disincentivizes rehabilitation and redevelopment of the potential brownfield site by imposing unnecessary legal burdens, technical obstacles, and financial costs.
- It is in the public interest to remove any such barriers to the rehabilitation and redevelopment of property by providing a clear path to obtaining a "No Further Action" status in cases where a potential brownfield site is only a portion of a larger contaminated site.

The bill provides that if the person responsible for a brownfield site rehabilitation demonstrates compliance with the applicable contamination cleanup criteria, and the brownfield site is only a portion of a larger contaminated site, the DEP or any delegated local pollution control program may not:

- Deny a "No Further Action" status for the brownfield site; or
- Refuse to issue a site rehabilitation completion order for the brownfield site, regardless of whether it has engineering and institutional controls. This applies even where similar contamination exists elsewhere on the contaminated site which was the result of similar or related activities or operations that occurred both on the contaminated site and the brownfield site, provided that all soil and groundwater contamination emanating from the brownfield site is adequately addressed pursuant to ch. 62-780 of the Florida Administrative Code.

This applies to all brownfield sites, irrespective of the effective date of the brownfield site rehabilitation agreement.

The bill also provides that the cleanup criteria described in s. 376.81, F.S., applies only to site rehabilitation activities occurring at a "brownfield site," rather than a "contaminated site," as the law currently provides.[46]

Section 6 amends s. 376.82, F.S., regarding eligibility criteria and liability protection for the brownfield program. Currently, any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, is eligible to participate in the brownfield program, subject to certain conditions. The bill provides that a local governmental entity may also participate in the program, including any other person who may be organized or united with the local governmental entity for a business purpose, if such entity or person did not cause or contribute to the contamination of a brownfield site on or after July 1, 2025.

Under current law, certain sites are not eligible for participation in the brownfield program unless specific exemptions are secured by a memorandum of agreement (MOA) with the U.S. Environmental Protection Agency (EPA).[47] The bill amends this process by providing that, instead of securing an exemption through the MOA, these sites may participate in the

[46] "Contaminated site" means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment. Section 376.79(7), F.S. The bill defines "brownfield site" as the real property identified in a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation of the property and the DEP or a delegated local pollution control program, as applicable.
[47] *See* section 376.82(1)(a), F.S.

brownfields program if the EPA issues a letter stating it has no objection to the site's participation, and the DEP issues a letter of concurrence.

Currently, people who did not cause or contribute to contamination at a brownfield site after July 1, 1997 (i.e., people who are currently eligible to participate in the program) but who are subject to ongoing corrective action or enforcement under state authority may still be eligible for participation in a brownfield site rehabilitation agreement if certain conditions are met, including, among other things, that program participation will create at least 10 new permanent jobs. The bill provides that the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will:

- Provide housing that is affordable;[48]
- Create recreational areas, conservation areas, or parks; or
- Be maintained for cultural or historical preservation purposes.

Current law required the DEP to attempt to negotiate an MOA or similar document with the EPA whereby the EPA agrees to forego enforcement of federal corrective action authority at brownfield sites that have received a site rehabilitation completion or "no further action" determination from the DEP or the approved local pollution control program, or that are in the process of implementing a brownfield site rehabilitation agreement. Such a MOA was entered into in November 2005.[49] The bill removes this provision and instead provides that, if the EPA issues a letter stating it has no objection to a site's participation and the person seeking to participate in the brownfield program can reasonably demonstrate he or she will conduct site rehabilitation pursuant to the state contamination cleanup criteria, the DEP may issue a letter of no objection that states the person may participate in the brownfield program.

The bill provides that the DEP may *not* require as a condition of such letter of concurrence that the EPA forego enforcement of federal corrective action authority at brownfield sites that have received a site rehabilitation completion order. The bill requires the letters of no objection from the EPA and concurrence from the DEP to be added as attachments to the brownfield site rehabilitation agreement.

The bill provides that proposed brownfield sites that are subject to ongoing formal judicial or administrative enforcement action or corrective action pursuant to an EPA order under s. 3008(h) of the Resource Conservation and Recovery Act, or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a post-closure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984 are eligible for participation in the brownfield program provided that the sites:

- Obtain the necessary letters of no objection and concurrence; or

[48] "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households of extremely-low-income persons, very-low-income persons, low-income persons, or moderate-income persons. Section 420.0004(3), F.S.

[49] *See* EPA and DEP, *Memorandum of Agreement between the Florida Department of Environmental Protection and the United States Environmental Protection Agency Region 4*, 4 (2005), *available at* https://floridadep.gov/sites/default/files/Brownfields%20MOA%20with%20EPA%2011-28-05_0.pdf. (last visited Mar. 22, 2025).

- Comply with the provisions of Section V[50] of the Memorandum of Agreement between the DEP and the EPA Region 4 covering Florida's Brownfield Program, dated November 28, 2005, as may be amended.

Sections 7 and 8 amend ss. 196.1995 and 288.1175, F.S., respectively, to make conforming changes.

Section 9 reenacts s. 1004.53, F.S., to incorporate the amendments made by the bill to s. 376.79, F.S.

Section 10 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.

[50] Section V provides the following: "Region 4's relationship with FDEP regarding RCRA facilities eligible for the [state brownfields program] will be conducted in accordance with the RCRA MOA, under 40 C.F.R. § 271.8, and other provisions governing the authorized program under RCRA Subtitle C. Region 4 recognizes that FDEP can determine whether to take State action at RCRA facilities under its State law and consistent with the provisions governing the State's authorized program. Region 4 also recognizes that those RCRA sites which participate in the BP may qualify for the economic and regulatory benefits specific to the Act." DEP and EPA, *Memorandum of Agreement between the Florida Department of Environmental Protection and the United States Environmental Protection Agency Region 4*, 4-5 (2005), *available at* https://floridadep.gov/sites/default/files/Brownfields%20MOA%20with%20EPA%2011-28-05_0.pdf.

B. Private Sector Impact:

The expanded eligibility for the voluntary cleanup tax credit will provide eligible corporate taxpayers with tax savings.

C. Government Sector Impact:

The Revenue Estimating Conference determined that HB 733 on Brownfields (which is similar to this bill) would have no fiscal impact because the $35 million authorization cap remains unchanged under the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 376.303, 376.30781, 376.78, 376.79, 376.81, 376.82, 196.1995, 288.1175, and 1004.53.

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 Appropriations Committee on Agriculture, Environment, and General Government on March 26, 2025:
The committee substitute clarifies that a letter of no objection is required from the United States Environmental Protection Agency rather than a letter of concurrence as attachments to the brownfield site rehabilitation agreement.

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

- Clarifies that solid waste disposal areas are *regulated* pursuant to s. 403.704, F.S., rather than *defined by* rules adopted pursuant to s. 403.704., F.S.
- Clarifies that a person responsible for a brownfield site rehabilitation must demonstrate compliance with the applicable contamination cleanup criteria.
- Removes the provision that added trusts as an example of the type of "person" that may propose a brownfield area designation.
- Restores language providing that the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the Department of Environmental Protection (DEP) or approved local pollution control program.

- Restores the requirement that the *procedures* for public hearings, rather than just the *notices*, must follow governing county and municipality resolution adoption processes.
- Permits (rather than requires) DEP to allow certain otherwise ineligible sites to participate in the brownfield program if the U.S. Environmental Protection Agency issues a no-objection letter and other criteria are met.
- Modifies eligibility for brownfield sites subject to federal orders or hazardous waste permits, allowing them to either obtain letters of concurrence *or* comply with the memorandum of agreement, instead of requiring both.
- Corrects the date of the memorandum of agreement from 2025 to 2005.

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 Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senators Truenow and Brodeur

A bill to be entitled

An act relating to brownfields; amending s. 376.303, F.S.; deleting a provision requiring certain property owners to provide information regarding institutional controls to the local government for mapping purposes; deleting local government requirements for such mapping; requiring that sites issued a site rehabilitation completion order without institutional controls be removed from the registry of all contaminated sites located in a brownfield area; amending s. 376.30781, F.S.; revising the conditions under which an applicant who has rehabilitated a contaminated site may submit and claim certain tax credits; specifying a timeframe within which such tax credit application must be submitted; revising the criteria for determining applicants who are redeveloping brownfield sites who may be eligible for certain tax credits; deleting the definition of the term "monetary compensation"; revising the date by which the Department of Environmental Protection must issue annual site rehabilitation tax credit certificate awards; revising the amount of time the department has to respond to a tax credit applicant regarding a certain notice; amending s. 376.78, F.S.; conforming provisions to changes made by the act; amending s. 376.79, F.S.; revising definitions, defining the terms "brownfield" and "brownfield site"; amending s. 376.81, F.S.; providing legislative findings; prohibiting the department or a delegated

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local pollution control program from denying a specified status or refusing to issue a specified order for certain brownfield sites that are only a portion of larger contaminated sites; providing applicability; amending s. 376.82, F.S.; revising the persons and sites eligible for participation in the brownfield program; revising requirements for such participation; requiring that completion of the performance of remediation obligations at the brownfield site be evidenced by a site rehabilitation completion order; revising the information necessary from the United States Environmental Protection Agency and the department for a person's participation in the program; specifying that certain brownfield sites are eligible to participate in the brownfield program under certain circumstances; amending ss. 196.1995 and 288.1175, F.S.; conforming cross-references; reenacting s. 1004.53(1), F.S., relating to the Center for Brownfield Rehabilitation Assistance, to incorporate the amendment made to s. 376.79, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsections (5) and (6) of section 376.303, Florida Statutes, are amended to read:

376.303 Powers and duties of the Department of Environmental Protection.—

(5) ~~MAPPING.—If an institutional control is implemented at~~

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~~any contaminated site in a brownfield area designated pursuant to s. 376.80, the property owner must provide information regarding the institutional control to the local government for mapping purposes. The local government must then note the existence of the institutional control on any relevant local land use and zoning maps with a cross-reference to the department's site registry developed pursuant to subsection (6). If the type of institutional control used requires recording with the local government, then the map notation shall also provide a cross-reference to the book and page number where recorded. When a local government is provided with evidence that the department has subsequently issued a no further action order without institutional controls for a site currently noted on such maps, the local government shall remove the notation.~~

~~(6)~~ REGISTRY.—The department shall prepare and maintain a registry of all contaminated sites located in a brownfield area designated pursuant to s. 376.80, which are subject to institutional and engineering controls, in order to provide a mechanism for the public and local governments to monitor the status of these controls, monitor the department's short-term and long-term protection of human health and the environment in relation to these sites, and evaluate economic revitalization efforts in these areas. At a minimum, the registry must ~~shall~~ include the type of institutional or engineering controls employed at a particular site, types of contaminants and affected media, land use limitations, and the county in which the site is located. Sites listed on the registry at which the department has subsequently issued a site rehabilitation completion ~~no further action~~ order without institutional

controls must ~~shall~~ be removed from the registry. The department shall make the registry available to the public and local governments within 1 year after the effective date of this act. The department shall provide local governments with actual notice when the registry becomes available. Local zoning and planning offices shall post information on how to access the registry in public view.

Section 2. Paragraphs (c), (d), and (e) of subsection (3) and subsection (9) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(3)

(c) In order to encourage completion of site rehabilitation at contaminated sites that are being voluntarily cleaned up and that are eligible for a tax credit under this section, the tax credit applicant may claim an additional 25 percent of the total site rehabilitation costs, not to exceed $500,000, if the Department of Environmental Protection has approved the applicant's annual site rehabilitation application and has issued a site rehabilitation completion ~~in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action"~~ order for that site. The tax credit applicant must submit the claim for the additional 25 percent within 2 years after receipt of the site rehabilitation completion order for that site.

(d) In order to encourage the construction of housing that

meets the definition of affordable provided in s. 420.0004, an applicant for the tax credit may claim an additional 25 percent of the total site rehabilitation costs that are eligible for tax credits under this section, not to exceed $500,000. To receive this additional tax credit, the applicant must provide a certification letter from the Florida Housing Finance Corporation, the local housing authority, or other governmental agency that is a party to the use agreement indicating that the construction on the brownfield site has received a certificate of occupancy and the brownfield site has a properly recorded instrument that limits the use of the property to housing. Notwithstanding that only one application may be submitted each year for each site, an application for the additional credit provided for in this paragraph must ~~shall~~ be submitted after all requirements to obtain the additional tax credit have been met.

(e) In order to encourage the redevelopment of a brownfield site, as defined in the brownfield site rehabilitation agreement, that is hindered by the presence of solid waste, as defined in s. 403.703, costs related to solid waste removal may also be claimed under this section. A tax credit applicant, or multiple tax credit applicants working jointly to clean up a single brownfield site, may also claim costs to address the solid waste removal as defined in this paragraph in accordance with department rules. Multiple tax credit applicants shall be granted tax credits in the same proportion as each applicant's contribution to payment of solid waste removal costs. These costs are eligible for a tax credit provided that the applicant meets the eligibility requirements of s. 376.82(1) and that ~~submits an affidavit stating that, after consultation with~~

~~appropriate local government officials and the department, to the best of the applicant's knowledge based upon such consultation and available historical records,~~ the brownfield site was never operated as a permitted solid waste disposal area as regulated pursuant to s. 403.704 ~~or was never operated for monetary compensation, and the applicant submits all other documentation and certifications required by this section~~. In this section, where reference is made to "site rehabilitation," the department shall instead consider whether the costs claimed are for solid waste removal. Tax credit applications claiming costs pursuant to this paragraph are ~~shall~~ not ~~be~~ subject to the calendar-year limitation and January 31 annual application deadline, and the department shall accept a one-time application filed subsequent to the completion by the tax credit applicant of the applicable requirements listed in this subsection. A tax credit applicant may claim 50 percent of the costs for solid waste removal, not to exceed $500,000, after the applicant has determined solid waste removal is completed for the brownfield site. A solid waste removal tax credit application may be filed only once per brownfield site. For the purposes of this section, the term:

1. "Solid waste disposal area" means a landfill, dump, or other area where solid waste has been disposed.

2. ~~"Monetary compensation" means the fees that were charged or the assessments that were levied for the disposal of solid waste at a solid waste disposal area.~~

~~3.~~ "Solid waste removal" means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield

site. The term also includes:

a. Transportation of solid waste to a licensed or exempt solid waste management facility or to a temporary storage area.

b. Sorting or screening of solid waste prior to removal from the site.

c. Deposition of solid waste at a permitted or exempt solid waste management facility, whether the solid waste is disposed of or recycled.

(9) On or before June ~~May~~ 1, the Department of Environmental Protection shall inform each tax credit applicant ~~that is~~ subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g). The June ~~May~~ 1 deadline for annual site rehabilitation tax credit certificate awards does ~~shall~~ not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 120 ~~90~~ days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 3. Subsection (1) of section 376.78, Florida Statutes, is amended to read:

376.78 Legislative intent.—The Legislature finds and declares the following:

(1) The reduction of public health and environmental

hazards on ~~existing commercial and industrial~~ sites proposed to be rehabilitated and redeveloped is vital to their use and reuse as sources of employment, housing, recreation, and open space areas. The reuse of such sites ~~industrial land~~ is an important component of sound land use policy for productive urban purposes which will help prevent the premature development of farmland, open space areas, and natural areas, and reduce public costs for installing new water, sewer, and highway infrastructure.

Section 4. Present subsections (6) through (21) of section 376.79, Florida Statutes, are redesignated as subsections (7) through (22), respectively, a new subsection (6) is added to that section, and subsections (4) and (5) of that section are amended, to read:

376.79 Definitions relating to Brownfields Redevelopment Act.—As used in ss. 376.77-376.85, the term:

(4) "Brownfield ~~sites~~" means any real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination and which has not yet been entered into a brownfield site rehabilitation agreement pursuant to s. 376.80(5).

(5) "Brownfield area" means a contiguous area of one or more brownfields ~~brownfield sites~~, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and United States Environmental Protection Agency-designated brownfield pilot projects.

(6) "Brownfield site" means the real property identified in

a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation of the property and the department or a delegated local pollution control program, as applicable.

Section 5. Present subsection (3) of section 376.81, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and present subsection (3) of that section is amended, to read:

376.81 Brownfield site and brownfield areas contamination cleanup criteria.—

(3)(a) The Legislature finds that rehabilitation and redevelopment of a potential brownfield site that is a portion of a larger contaminated site are significantly complicated when multiple parties may own, lease, or operate different portions of the contaminated site. The Legislature further finds that delaying a person's ability to achieve a "No Further Action" status for a potential brownfield site until such time as the owners, lessees, or operators of all other portions of the larger historical contaminated site have completed site rehabilitation on their respective portions is not in the public interest, as such delay disincentivizes rehabilitation and redevelopment of the potential brownfield site by imposing unnecessary legal burdens, technical obstacles, and financial costs.

(b) Therefore, the Legislature finds that it is in the public interest to remove any such barriers to the rehabilitation and redevelopment of property by providing a clear path to obtaining a "No Further Action" status in cases where a potential brownfield site is only a portion of a larger

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contaminated site.

(c) If the person responsible for a brownfield site rehabilitation demonstrates compliance with the applicable contamination cleanup criteria described in subsection (1), and the brownfield site is only a portion of a larger contaminated site, the department or any delegated local pollution control program under s. 376.80(9) may not:

1. Deny a "No Further Action" status for the brownfield site; or

2. Refuse to issue a site rehabilitation completion order for the brownfield site, regardless of whether it has engineering and institutional controls. This subparagraph applies even where similar contamination exists elsewhere on the contaminated site which was the result of similar or related activities or operations that occurred both on the contaminated site and the brownfield site, provided that all soil and groundwater contamination emanating from the brownfield site is adequately addressed pursuant to chapter 62-780, Florida Administrative Code.

(d) This subsection applies to all brownfield sites, irrespective of the effective date of the brownfield site rehabilitation agreement.

(4) ~~(3)~~ The cleanup criteria described in this section govern only site rehabilitation activities occurring at the brownfield ~~contaminated~~ site. Removal of contaminated media from a site for offsite relocation or treatment must be in accordance with all applicable federal, state, and local laws and regulations.

Section 6. Paragraphs (a) and (b) of subsection (1) and

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paragraphs (e) and (g) of subsection (2) of section 376.82, Florida Statutes, are amended to read:

376.82 Eligibility criteria and liability protection.—

(1) ELIGIBILITY.—

(a) All of the following persons are eligible to participate in the brownfield program established in ss. 376.77-376.85:

1. Notwithstanding subparagraph 2., a ~~any~~ person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997.

2. A local governmental entity, including any other person who may be organized or united with the local governmental entity for a business purpose, if such entity or person did not cause or contribute to the contamination of a brownfield site on or after July 1, 2025.

(b) A person eligible to participate in the brownfield program pursuant to paragraph (a) is~~, is eligible to participate in the brownfield program established in ss. 376.77-376.85,~~ subject to the following:

1.~~(a)~~ Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as amended; or under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended (42 U.S.C.A. s.

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6928(h)); or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility; a post-closure ~~postclosure~~ permit; or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984, are not eligible for participation in the brownfield program established in ss. 376.77-376.85 unless, pursuant to paragraph (2)(g), ~~specific exemptions are secured by a memorandum of agreement with~~ the United States Environmental Protection Agency issues a letter stating it has no objection to such participation and the department issues a letter of concurrence ~~pursuant to paragraph (2)(g)~~. A brownfield site within an eligible brownfield area that subsequently becomes subject to formal judicial or administrative enforcement action or corrective action under such federal authority shall have its eligibility revoked unless, ~~specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency~~ pursuant to paragraph (2)(g), the United States Environmental Protection Agency issues a letter stating it has no objection to such participation and the department issues a letter of concurrence.

2.~~(b)~~ A person who is eligible to participate in the brownfield program pursuant to paragraph (a) ~~Persons who have not caused or contributed to the contamination of a brownfield site on or after July 1, 1997,~~ and who, before ~~prior to~~ the department's approval of a brownfield site rehabilitation agreement, is ~~are~~ subject to ongoing corrective action or enforcement under state authority established in this chapter or chapter 403, including those persons subject to a pending consent order with the state, is ~~are~~ eligible for participation

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in a brownfield site rehabilitation agreement if:

a.~~1.~~ The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately, after cleanup or sooner, result in increased economic productivity at the site, including at a minimum the creation of 10 new permanent jobs, whether full-time or part-time, which are not associated with implementation of the brownfield site rehabilitation agreement. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide housing that is affordable as defined in s. 420.0004; create recreational areas, conservation areas, or parks; or be maintained for cultural or historical preservation purposes; and

b.~~2.~~ The person is complying in good faith with the terms of an existing consent order or department-approved corrective action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(2) LIABILITY PROTECTION.—

(e) Completion of the performance of the remediation obligations at the brownfield site shall be evidenced by a site rehabilitation completion order ~~letter or a "no further action" letter~~ issued by the department or the approved local pollution control program, which letter shall include the following statement: "Based upon the information provided by (property owner) concerning property located at (address), it is the opinion of (the Florida Department of Environmental Protection or approved local pollution control program) that (party) has

successfully and satisfactorily implemented the approved brownfield site rehabilitation agreement schedule and, accordingly, no further action is required to assure that any land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses."

(g)1. The Legislature recognizes the benefits of promoting the reuse of brownfield sites, even when subject to ~~its limitations in addressing cleanup liability under~~ federal pollution control programs, including those enumerated in subparagraph (1)(b)1. In an effort to encourage such reuse ~~secure federal liability protection~~ for persons willing to undertake ~~remediation~~ responsibility for site rehabilitation at a brownfield site, the department may, upon receipt of a letter from ~~shall attempt to negotiate a memorandum of agreement or similar document with~~ the United States Environmental Protection Agency stating it has no objection to a site's participation pursuant to subparagraph (1)(b)1. and upon a reasonable demonstration by the person seeking to participate in the brownfield program that he or she will conduct site rehabilitation pursuant to s. 376.81, issue a letter of no objection that states the person may participate in the brownfield program. The department may not require, as a condition of such letter of concurrence, that~~, whereby~~ the United States Environmental Protection Agency agree ~~agrees~~ to forego enforcement of federal corrective action authority at brownfield sites that have received a site rehabilitation completion order ~~or "No Further Action" determination~~ from the department or the approved local pollution control program or that are in the process of implementing a brownfield site

rehabilitation agreement in accordance with this act. The letter of no objection from the United States Environmental Protection Agency and the letter of concurrence from the department must be added as attachments to the brownfield site rehabilitation agreement.

2. Proposed brownfield sites that are subject to ongoing formal judicial or administrative enforcement action or corrective action pursuant to an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended by 42 U.S.C. s. 6928(h), or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a post-closure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984 are eligible for participation in the brownfield program established in ss. 376.77-376.85, provided that the sites:

a. Obtain the necessary letters of no objection and concurrence pursuant to subparagraph 1. and subparagraph (1)(b)1.; or

b. Comply with the provisions of Section V of the Memorandum of Agreement between the department and the United States Environmental Protection Agency Region 4 covering Florida's Brownfield Program, dated November 28, 2005, as may be amended.

Section 7. Subsection (3) of section 196.1995, Florida Statutes, is amended to read:

196.1995 Economic development ad valorem tax exemption.—

(3) The board of county commissioners or the governing

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authority of the municipality that calls a referendum within its total jurisdiction to determine whether its respective jurisdiction may grant economic development ad valorem tax exemptions may vote to limit the effect of the referendum to authority to grant economic development tax exemptions for new businesses and expansions of existing businesses located in an enterprise zone or a brownfield area, as defined in s. 376.79 ~~s. 376.79(5)~~. If an area nominated to be an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, the board of county commissioners or the governing authority of the municipality may call such referendum prior to such designation; however, the authority to grant economic development ad valorem tax exemptions does not apply until such area is designated pursuant to s. 290.0065. The ballot question in such referendum shall be in substantially the following form and shall be used in lieu of the ballot question prescribed in subsection (2):

Shall the board of county commissioners of this county (or the governing authority of this municipality, or both) be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions for new businesses and expansions of existing businesses that are located in an enterprise zone or a brownfield area and that are expected to create new, full-time jobs in the county (or municipality, or both)?

....Yes—For authority to grant exemptions.

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....No—Against authority to grant exemptions.

Section 8. Paragraph (c) of subsection (5) of section 288.1175, Florida Statutes, is amended to read:

288.1175 Agriculture education and promotion facility.—

(5) The Department of Agriculture and Consumer Services shall competitively evaluate applications for funding of an agriculture education and promotion facility. If the number of applicants exceeds three, the Department of Agriculture and Consumer Services shall rank the applications based upon criteria developed by the Department of Agriculture and Consumer Services, with priority given in descending order to the following items:

(c) The location of the facility in a brownfield site as defined in s. 376.79 ~~s. 376.79(4)~~, a rural enterprise zone as defined in s. 290.004, an agriculturally depressed area as defined in s. 570.74, or a county that has lost its agricultural land to environmental restoration projects.

Section 9. For the purpose of incorporating the amendment made by this act to section 376.79, Florida Statutes, in a reference thereto, subsection (1) of section 1004.53, Florida Statutes, is reenacted to read:

1004.53 Interdisciplinary Center for Brownfield Rehabilitation Assistance.—The Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program is established in the College of Arts and Sciences at the University of South Florida with the collaboration of other related disciplines such as business administration, environmental science, and medicine. The center

shall work in conjunction with other state universities. The Center for Brownfield Rehabilitation Assistance shall:

(1) Conduct research relating to problems and solutions associated with rehabilitation and restoration of brownfield areas as defined in s. 376.79. The research must include identifying innovative solutions to removing contamination from brownfield sites to reduce the threats to drinking water supplies and other potential public health threats from contaminated sites.

Section 10. This act shall take effect July 1, 2025.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

March 27, 2025

The Honorable Kathleen Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request CS/CS/SB 736 Brownfields be placed on your next available Rules Committee agenda.

This good bill provides that if the person responsible for a brownfield site rehabilitation demonstrates the applicable contamination cleanup criteria have been met, and the brownfield site is part of a larger contaminated site, the Department of Environmental Protection (DEP) or any delegated local pollution control program may not deny a "no further action" status or refuse to issue a site rehabilitation completion order for the brownfield site, regardless of whether it has engineering and institutional controls. The bill deletes provisions related to local governments' role in mapping institutional controls.

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

cc: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
❒ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
❒ 16207 State Road 50, Suite 401, Clermont, Florida 34711
❒ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

April 8, 2025
Meeting Date

Rules
Committee

CS/CS/SB 736
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jessica Love

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PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Goldstein Brownfields Group, LLC

☐ 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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4/8/2025
Meeting Date

Rules
Committee

736
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

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☑ I am a registered lobbyist, representing: Florida Chamber of Commerce

☐ 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)

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 768
INTRODUCER:	Judiciary Committee; Health Policy Committee and Senator Calatayud
SUBJECT:	Controlling Business Interests by Persons with Ties to Foreign Countries of Concern
DATE:	April 7, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Smith	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 768 requires health care providers, as a condition of licensure, to ensure that a person or entity that possesses a *direct* controlling interest in the health care provider does not *directly* hold an interest in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies. Foreign countries of concern include China, Russia, Iran, North Korea, Cuba, the Venezuelan regime of Nicolas Maduro, and Syria. Scrutinized companies may include those that boycott Israel or have prohibited operations in Cuba, Iran, Sudan, or Syria.

Under the bill, a licensee would no longer have to ensure that a person or entity who possesses an *indirect* controlling interest does not have an interest in an entity that has an otherwise forbidden business relationship. These changes would ease heightened requirements for licensees who may not have access to the information that they need to ensure that they satisfy those current licensure requirements.

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

II. Present Situation:

Health Care Licensing Procedures Act

The Health Care Licensing Procedures Act[1] provides a streamlined and consistent set of basic licensing requirements for health care providers, including the 49,823 health care providers that are currently licensed, registered, or certified by the Florida Agency for Health Care Administration (AHCA) as of February 21, 2025.[2]

The Act is intended to minimize confusion, standardize terminology, and include issues that are not otherwise addressed in state law pertaining to specific providers.[3] Among other things, it provides certain minimum licensure requirements that applicants must satisfy to obtain and maintain a license.[4] The issuance of a license is not a contract or an agreement between the state and the licensee,[5] but rather a privilege that is granted by the state based upon the licensee complying with licensure and certification requirements.[6]

Minimum Licensure Requirements; An Act Relating to the Interests of Foreign Countries

On July 1, 2023, Senate Bill 264 (2023), relating to the Interests of Foreign Countries, became effective, creating additional minimum licensure requirements for health care providers.[7]

One such additional requirement[8] requires a licensee to ensure that a person or entity possessing a *controlling interest* in the licensee does not also hold, either directly or indirectly, regardless of ownership structure, an *interest* in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies.[9]

In connection with this additional requirement, the term "controlling interest" means:

- The applicant or licensee;
- A person or entity that serves as an officer of, is on the board of directors of, or has a 5-percent or greater ownership interest in the applicant or licensee; or

[1] Chapter 408, Part II, F.S.; *see also* s. 408.801(1), F.S. (providing the short title).
[2] Section 408.801(2), F.S.; Agency for Health Care Administration (AHCA), *Senate Bill 768 Legislative Analysis* (Feb. 19, 2025) (on file with the Senate Committee on Health Policy). The act applies to following providers: laboratories authorized to perform testing under the Drug-Free Workplace Act, birth centers, abortion clinics, crisis stabilization units, short-term residential treatment facilities, residential treatment facilities, residential treatment centers for children and adolescents, hospitals, ambulatory surgical centers, nursing homes, assisted living facilities, home health agencies, nurse registries, companion services or homemaker services providers, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, prescribed pediatric extended care centers, home medical equipment providers, intermediate care facilities for persons with developmental disabilities, health care services pools, health care clinics, organ tissue and eye procurement organizations. Section 408.802, F.S.
[3] Section 408.801(2), F.S.
[4] *See generally* s. 408.810, F.S. (specifying minimum licensure requirements).
[5] *Senate Bill 768 Legislative Analysis, supra* note 3, at 2.
[6] *Id*.
[7] Chapter 2023-22, s. 10, Laws of Fla.
[8] Section 408.810(15), F.S.
[9] Section 287.135, F.S.

- A person or entity that serves as an officer of, is on the board of directors of, or has a 5-percent or greater ownership interest in the management company or other entity, related or unrelated, with which the applicant or licensee contracts to manage the provider.[10]

Additionally:

- "Business relationship" means engaging in commerce in any form, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.[11]
- "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.[12]
- "Interest" means any direct or indirect investment in or loan to the entity valued at 5 percent or more of the entity's net worth or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.[13]

According to AHCA, the onus is on the licensee to ensure that no business relationship exists with foreign countries of concern, or that is subject to the statute prohibiting contracting with scrutinized companies.[14] Pursuant to the statute outlining the license application process for the Act, proof of compliance with the controlling interest requirement must be submitted with any application for licensure or licensure renewal.[15]

In practice, AHCA verifies the background screening of individuals possessing a controlling interest (generally 5 percent or more) in the licensee if their names are listed on the application.[16] However, some business entities having a controlling interest in a licensee have chosen to not name or disclose individuals. AHCA reports that aside from the application process, there is no mechanism by which its staff can verify whether the controlling interest requirement has been satisfied.[17] AHCA also notes that it is a registered user of the SAVE Program of the U.S. Department of Homeland Security[18] and can determine the status of nonimmigrant aliens

[10] Section 408.803(7), F.S. The term does not include a voluntary board member. *Id.*
[11] Section 408.810(15)(b)1., F.S.
[12] Section 408.810(15)(b)2., F.S. (incorporating by reference the definition of same in s. 692.201(3), F.S).
[13] Section 408.810(15)(b)3., F.S. (incorporating by reference the definition of same in s. 286.101(1)(g), F.S.).
[14] *Senate Bill 768 Legislative Analysis*, *supra* note 3, at 2.
[15] Section 408.806(5), F.S.
[16] Section 408.809(1)(d), F.S.
[17] *Senate Bill 768 Legislative Analysis*, *supra* note 3, at 2.
[18] SAVE is an online service for registered federal, state, territorial, tribal, and local government agencies to verify immigration status and naturalized/acquired U.S. citizenship of applicants seeking benefits or licenses. United States Department of Homeland Security, *SAVE*, available at https://www.uscis.gov/save (last visited Mar. 21, 2025).

possessing controlling interests in home health agencies, home medical equipment providers, and health care clinics.[19]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 408.810(15), F.S., which provides certain minimum licensure requirements for health care providers relating to foreign countries of concern.[20] The bill adds the words "direct" and "directly" to subsection (15), so that a licensee would be required to ensure that a person or entity who possesses a *direct* controlling interest in the licensee does not also *directly* hold, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to the statute prohibiting contracting with scrutinized companies.

Under the bill, a licensee would no longer have to ensure that a person or entity who possesses an *indirect* controlling interest does not have an interest in an entity that has an otherwise forbidden business relationship.

The bill removes the concept of engaging in "any other apparatus of business or commerce" from the definition of "business relationship", for purposes of this requirement.

Additionally, the bill defines the term "foreign country of concern" in a similar manner to how it is currently defined in s. 692.201, F.S.[21], but removes the phrase "or any other entity of significant control of" such foreign country of concern.

These changes would ease the heightened requirements on licensees who may not have access to the information they need to ensure that they meet the current requirements of subsection (15).

Section 2 of the bill 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.

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[19] *Senate Bill 768 Legislative Analysis, supra* note 3, at 2.

[20] Section 408.802, F.S. (listing regulated providers).

[21] Pursuant to s. 692.201, F.S., "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.

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:

It is possible that changes made by the bill, which ease minimum licensure requirements, could encourage additional health care providers to seek licensure and provide health care services in this state.

C. Government Sector Impact:

The AHCA expects this bill to have no fiscal impact on the agency.[22]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 408.810 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 Judiciary on April 1, 2025:
The committee substitute restores the requirement that licensees "ensure," not just "make reasonable efforts to ensure," that a specified business relationship does not exist.

CS by Health Policy on March 18, 2025:
The committee substitute revises the application of the requirement in the underlying bill that a licensee must make a reasonable effort to ensure that a person or entity that

[22] *Senate Bill 768 Legislative Analysis*, *supra* note 3, at 3-4.

possesses a "controlling interest" (as defined in the underlying bill) does not have a specified business relationship. Instead, the CS requires the licensee to ensure that a person or entity that possesses a *direct* controlling interest does not have such a relationship. It also deletes the definition of "controlling interest" which is already defined for the chapter in current law.

The underlying bill required the licensee to ensure that such a person or entity does not directly or indirectly hold a specified business relationship. The CS removes "indirectly" and requires the licensee to ensure that such a person or entity does not directly hold such a relationship.

The CS removes the concept of engaging in "any other apparatus of business or commerce" from the definition of "business relationship," for purposes of the bill's overall requirement.

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 Judiciary; and Health Policy; and Senator Calatayud

590-03187-25 2025768c2

A bill to be entitled

An act relating to controlling business interests by persons with ties to foreign countries of concern; amending s. 408.810, F.S.; revising minimum health care provider licensure requirements relating to persons or entities possessing a specified controlling interest in the licensee; revising the definition of the terms "business relationship" and "foreign country of concern"; providing an effective date.

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

Section 1. Subsection (15) of section 408.810, Florida Statutes, is amended to read:

408.810 Minimum licensure requirements.—In addition to the licensure requirements specified in this part, authorizing statutes, and applicable rules, each applicant and licensee must comply with the requirements of this section in order to obtain and maintain a license.

(15)(a) The licensee must ensure that a person or an entity that ~~who~~ possesses a direct controlling interest does not directly hold~~, either directly or indirectly~~, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to s. 287.135.

(b) For purposes of this subsection, the term:

1. "Business relationship" means engaging in commerce in any form, including~~, but not limited to,~~ acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating

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

590-03187-25 2025768c2

equipment, facilities, personnel, products, services, personal property, real property, or military equipment~~, or any other apparatus of business or commerce~~.

2. "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of such foreign country of concern ~~has the same meaning as in s. 692.201~~.

3. "Interest" has the same meaning as in s. 286.101(1).

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1st, 2025

I respectfully request that **Senate Bill #768**, relating to Controlling Business Interests by Persons with Ties to Foreign Countries of Concern, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

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4/8/25
Meeting Date

Rules
Committee

768
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron LaFace

Phone 850 222 0075

Address 124 W Jefferson St
Street

Email

TLH 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:

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

Health Law Section of FLBar

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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 772
INTRODUCER:	Education Pre-K - 12 Committee and Senator Calatayud
SUBJECT:	Diabetes Management in Schools
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sabitsch	Bouck	ED	**Fav/CS**
2.	Morgan	Brown	HP	**Favorable**
3.	Sabitsch	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 772 authorizes a school district or charter school to acquire and maintain undesignated glucagon to treat students with diabetes who experience a hypoglycemic emergency or whose prescribed glucagon is not available onsite or has expired. Specifically, the bill:

- Provides definitions related to diabetes management in schools.
- Allows a school district or charter school to obtain a prescription for glucagon from a county health department or health care provider.
- Allows a licensed pharmacist to dispense undesignated glucagon to a school district or charter school with a prescription.
- Allows a school district or charter school to enter into arrangements with manufacturers or suppliers of glucagon to obtain products.
- Requires undesignated glucagon obtained by school districts and charter schools to be stored in a specific manner.
- Requires that a school district or charter school employee or agent trained in the administration of glucagon be responsible for the storage, maintenance, and administration of undesignated glucagon.
- Requires certain notifications immediately after administration of undesignated glucagon.
- Releases school district and charter school employees, as well as certain health care practitioners, from civil and criminal liability related to glucagon administration or prescribing, respectively. Additionally, health care practitioners and pharmacists are not subject to regulatory discipline regarding licensure under the bill.

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

II. Present Situation:

Types of Diabetes

Diabetes is a chronic heath condition that affects how the human body turns food into energy. The human body breaks down most of the carbohydrates humans eat into glucose[1] and releases it into the bloodstream, thereby increasing blood glucose. Such an increase should signal the pancreas[2] to release the hormone insulin, which acts as a catalyst to allow the body's cells to metabolize the glucose and convert it to energy, or to convert the glucose into forms suitable for short-term or long-term storage.

For individuals with diabetes, the body does not make enough insulin or cannot use the insulin as well as it should, which results in too much blood glucose remaining in the bloodstream. Over time, this can lead to serious health problems, such as heart disease, vision loss, kidney disease, vascular disease, and other maladies. Such outcomes are often known as long-term complications of diabetes.

There are three basic types of diabetes:
- Type 1 diabetes
- Type 2 diabetes
- Gestational diabetes

Type 1 Diabetes

Type 1 diabetes is thought to be caused by an autoimmune reaction in which the body's immune system attacks and destroys the cells in the pancreas that normally produce insulin. Roughly 5 to 10 percent of people with diabetes have Type 1. Symptoms of Type 1 often develop quickly. It is usually diagnosed in children, teens, and young adults. Someone with Type 1 diabetes must take insulin, usually through subcutaneous injection, on a regular basis to survive, one or more times per day. Currently, Type 1 diabetes can neither be prevented nor cured.[3]

Type 2 Diabetes

With Type 2 diabetes, the body does not use insulin well and cannot keep blood glucose at normal levels. About 90 to 95 percent of people with diabetes have Type 2. It develops over many years and is usually diagnosed in overweight, middle-aged adults, although it can sometimes manifest in adolescents and young adults. Type 2 diabetes can often be prevented or delayed, or even eliminated altogether, with healthy lifestyle changes, such as losing weight,

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[1] Glucose is the simplest type of carbohydrate (chemical formula $C_6H_{12}O_6$), and all carbohydrates consumed as food must be broken down into glucose before the body can metabolize them.
[2] The pancreas is an organ located in the abdomen. It plays an essential role in converting food into fuel. The pancreas has two main functions: an exocrine function that helps in digestion and an endocrine function that regulates blood glucose. *See*: https://columbiasurgery.org/pancreas/pancreas-and-its-functions (last visited Mar. 27, 2025).
[3] Centers for Disease Control and Prevention, *What Is Diabetes?, available at*: https://www.cdc.gov/diabetes/basics/diabetes.html (last visited Mar. 27, 2025).

eating healthy food, and exercising regularly.[4] Type 2 diabetes is usually treated with oral medications but can require insulin injections in some cases.

Gestational Diabetes

Gestational diabetes develops in pregnant women who have never had diabetes. If a woman has gestational diabetes, her baby could be at higher risk for health problems. Gestational diabetes usually goes away after the baby is born. However, it increases the mother's risk for Type 2 diabetes later in life and the baby is more likely to have obesity as a child or teen and develop Type 2 diabetes later in life.[5]

Hypoglycemia

Individuals with diabetes can experience hypoglycemia.[6] Hypoglycemia is a condition in which an individual's blood glucose level is lower than the standard range. Hypoglycemia is often related to diabetes treatment, and the most common reason for low blood glucose is a side effect of medications used to treat diabetes, usually insulin. If blood glucose levels become too low, hypoglycemia signs and symptoms can include:[7]

- Looking pale.
- Shakiness.
- Sweating.
- Headache.
- Hunger or nausea.
- An irregular or fast heartbeat.
- Fatigue.
- Irritability or anxiety.
- Difficulty concentrating.
- Dizziness or lightheadedness.
- Tingling or numbness of the lips, tongue, or cheek.

As hypoglycemia worsens, signs and symptoms can include:[8]

- Disorientation, confusion, and unusual behavior, such as the inability to complete routine tasks.
- Loss of coordination.
- Slurred speech.
- Blurry vision, double vision, or tunnel vision.

Severe hypoglycemia may cause loss of consciousness, and, in the most severe cases, seizures, brain damage, or death.[9]

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[4] *Id.*
[5] U.S. Centers for Disease Control, *Diabetes Basics*, https://www.cdc.gov/diabetes/about/index.html (last visited Mar. 27, 2025).
[6] Mayo Clinic, *Hypoglycemia- Overview*, https://www.mayoclinic.org/diseases-conditions/hypoglycemia/symptoms-causes/syc-20373685 (last visited Mar. 27, 2025).
[7] *Id.*
[8] *Id.*
[9] *Id.*

Insulin and Glucagon

Insulin and glucagon work together to regulate blood glucose levels and ensure that the human body has a constant supply of energy. Insulin and glucagon are hormones that help regulate the levels of blood glucose in the body.[10]

Insulin is needed for the body to use glucose as energy. When blood glucose is not needed immediately, it is stored as glycogen (short term storage)[11] or fat (long-term storage). Glucagon signals cells to convert stored glycogen back into glucose when the body needs immediate energy or when blood glucose begins falling. Insulin and glucagon work together to balance blood glucose levels, keeping them in the range that the body requires.

However, when a diabetic has introduced too much insulin into his or her body through injection or has not eaten enough carbohydrates to correspond to the injected insulin, blood glucose can drop dangerously low, and in such dangerous cases, the body is unable to convert glycogen back into glucose rapidly enough to counteract that effect.

There are also manufactured forms of glucagon that can be taken as an injection or nasal powder (dry nasal spray). This form of glucagon may be used in emergencies when a diabetic has very low blood glucose and is experiencing moderate or severe hypoglycemia. The glucagon triggers the liver to rapidly release glucose that had been stored as glycogen, which then raises blood glucose and should partially or fully mitigate hypoglycemia.[12]

Prevalence of Diabetes

The National Diabetes Statistic Report provides up-to-date information on the prevalence and incidence of diabetes and prediabetes, risk factors for complication, acute and long-term complication, deaths, and costs. Highlights of reported statistics include the following:[13]

- In 2021 there were 29.7 million people of all ages, or 8.9 percent of the U.S. population, who had diagnosed diabetes.
- In 2021 there were 352,000 children and adolescents younger than age 20 who had diagnosed diabetes, including 304,000 with Type 1 diabetes.

Diabetes in Florida

The Florida Diabetes Advisory Council (DAC) is mandated and authorized by s. 385.203, F.S, to guide a statewide comprehensive approach to diabetes prevention, diagnosis, education, care, treatment, impact, and costs. The DAC serves as the advisory unit to the Department of Health

[10] Healthline, *How Insulin and Glucagon Work*, https://www.healthline.com/health/diabetes/insulin-and-glucagon (last visited Mar. 27, 2025).
[11] Glycogen is the stored form of glucose that's made up of many connected glucose molecules. When the human body does not immediately need glucose for energy, it stores glucose primarily in muscles and the liver as glycogen for later use. *See*: https://my.clevelandclinic.org/health/articles/23509-glycogen (last visited Mar. 27, 2025)
[12] *Id.*
[13] U.S. Centers for Disease Control, *National Diabetes Statistical Report*, https://www.cdc.gov/diabetes/php/data-research/index.html (last visited Mar. 27, 2025).

(DOH), other governmental agencies, professional and other organizations, as well as the general public.

The DAC makes specific recommendations to the State Surgeon General regarding the public health aspects of the prevention and control of diabetes. In January of each odd numbered year, the DAC, in conjunction with the DOH, is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The items highlighted below are from the most recent report dated January 2025.[14]

- Florida has seen an increase in the percentage of adults diagnosed with diabetes from 8.2 percent in 2002, to 12.2 percent in 2022. This is higher than the national rate of 11.6 percent. It is estimated that 38 million adults in the U.S. have diabetes, with Florida accounting for over 2.1 million of those diagnosed.[15]
- In 2022-2023, in a population of 2,851,846 pre-kindergarten through 12-grade students, there were 6,568 reported students with Type 1 diabetes (0.23 percent) and 1,139 students with Type 2 diabetes (0.04 percent) in Florida public schools, for a total of 7,707 (0.27 percent) students living with diabetes. Of these students, 5,833 (0.20 percent) received glucose monitoring assistance, 4,821 (0.17 percent) received carbohydrate-counting assistance, and 5,197 (0.18 percent) received assistance with insulin administration at schools throughout the school year.[16]
- It is estimated that in 2017, the total cost of diabetes in Florida was $24.8 billion, with $19.3 billion attributed to direct medical expenses for diagnosed diabetes and $5.5 billion attributed to indirect costs from loss of productivity due to the condition. The average annual medical expenditures among individuals with diabetes are 2.6 times higher than among individuals who have not been diagnosed with diabetes.[17]

Florida students with diabetes are covered under Section 504 of the federal Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education.[18] The Section 504 regulation defines an "individual with handicaps" as any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. The key factor in determining whether a person is considered an "individual with handicaps" covered by Section 504 is whether the physical or mental impairment results in a substantial limitation of one or more major life activities. Major life activities, as defined in the regulation, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.[19]

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[14] Florida Department of Health, Florida Diabetes Advisory Council, *Legislative Report* (Jan. 2025), *available at* https://www.floridahealth.gov/provider-and-partner-resources/dac/_documents/2025-dac-report.pdf.
[15] Florida Department of Health, Florida Diabetes Advisory Council, *Legislative Report* (Jan. 2025), *available at* https://www.floridahealth.gov/provider-and-partner-resources/dac/_documents/2025-dac-report.pdf, at 8.
[16] Florida Department of Health, Florida Diabetes Advisory Council, *Legislative Report* (Jan. 2025), *available at* https://www.floridahealth.gov/provider-and-partner-resources/dac/_documents/2025-dac-report.pdf, at 15.
[17] Florida Department of Health, Florida Diabetes Advisory Council, *Legislative Report* (Jan. 2025), *available at* https://www.floridahealth.gov/provider-and-partner-resources/dac/_documents/2025-dac-report.pdf, at 20.
[18] U.S. Department of Education, *The Civil Rights of Students With Hidden Disabilities and Section 504*, https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504/hidden-disabilities (last visited Mar. 27, 2025).
[19] *Id.*

Diabetes may be considered a hidden disability under Section 504 that includes such conditions and diseases as specific learning disabilities, diabetes, epilepsy, allergy or chronic illnesses. A chronic illness involves a recurring and long-term disability such as diabetes, heart disease, kidney and liver disease, high blood pressure, or ulcers.[20] Students with diabetes may require the development of a Diabetes Medical Management Plan (DMMP) in order to meet the meet the needs of the student. The DMMP contains medical orders and all aspects of routine and emergency diabetes care. This plan works hand in hand with an Individual Health Plan (IHP) to describe how diabetes care as prescribed in the DMMP will be delivered in the school.[21]

III. Effect of Proposed Changes:

CS/SB 772 modifies s. 1002.20, F.S., to support students with diabetes by allowing school districts and charter schools to request a prescription for glucagon that would enable schools to acquire and maintain a supply of undesignated (not assigned to a person) glucagon for the purposes of treating a student who experiences a hypoglycemic emergency or whose prescribed glucagon is not available or has expired. The bill provides definitions for the following:

- Authorized health care practitioner, which includes a licensed allopathic or osteopathic physician, physician assistant, or advanced practice registered nurse.
- Participating school, which is a public school maintaining a supply of undesignated glucagon under the bill.
- Undesignated glucagon, which is a glucagon rescue therapy that is prescribed in the name of a public school or school district.

The bill allows a licensed pharmacist to dispense undesignated glucagon to a school district or charter school and permits school districts and charter schools to enter into agreements with manufacturers or suppliers of glucagon to obtain favorable pricing. The bill also permits school districts and charter schools to seek donations or grants in order to obtain glucagon.

The bill specifies that undesignated glucagon must be stored in a location so that it is readily accessible to the school nurse of other school personnel who have been trained to administer glucagon to students and requires that a trained individual be responsible for storage, maintenance, and administration of glucagon stocked by a school.

The bill requires that the undesignated glucagon to be administered to a student with diabetes as prescribed in the student's diabetes management plan. Following the administration of undesignated glucagon to a student, the bill requires specific notifications and requires an employee of the public school to call for emergency assistance.

[20] *Id.*
[21] American Diabetes Association, *Helping the Student with Diabetes Succeed- A Guide for School Personnel*, *available at* https://diabetes.org/sites/default/files/2023-10/School-guide-final-11-16-22.pdf. (last visited Mar. 27, 2025).

The bill provides immunity from civil or criminal liability from the administration of glucagon by certain school district or charter school employees. Additionally, the bill provides immunity from civil or criminal liability to authorized health care practitioners and pharmacists who, acting in good faith and exercising reasonable care, prescribe or dispense glucagon under the bill, as well as providing that such persons are not subject to adverse action regarding professional licensing statute or rule.

The bill requires the State Board of Education, in cooperation with the Department of Health, to adopt rules to implement the provisions in the bill.

The bill 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.20 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 by Education Pre-K – 12 on March 17, 2025:
The committee substitute:

- Defines terms related to authorized personnel, schools, and rescue therapy.
- Authorizes and provides requirements for a school district or school to acquire and maintain a supply of undesignated glucagon for treatment of students.
- Allows a school district or school to engage a wholesale distributor of manufacturer of glucagon to obtain a stock of glucagon and sets requirements for accepting donated or transferred glucagon.
- Allows a school district to request a prescription of glucagon from a county health department and permits an authorized health care practitioner to prescribe glucagon in the name of the school district or school.
- Provides requirements for the administration of the undesignated glucagon to students experiencing a hypoglycemic emergency and provides criminal and civil immunity to certain employees, authorized health care practitioners and pharmacists. Protects certain authorized healthcare practitioners and pharmacists from discipline and other adverse actions under any professional licensure statute or rule.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Calatayud

581-02507-25 2025772c1

A bill to be entitled

An act relating to diabetes management in schools; amending s. 1002.20, F.S.; defining terms; authorizing a school district or public school to acquire and maintain a supply of undesignated glucagon; requiring that undesignated glucagon be stored in a secure location that is immediately accessible; authorizing a school district or public school to enter into arrangements with a manufacturer or supplier to obtain glucagon free of charge or at a fair market or reduced price; authorizing a school district or public school to accept donated or transferred glucagon that meets certain requirements; authorizing a school district or public school to obtain monetary donations or apply for grants to purchase glucagon; authorizing a school district or public school to request a prescription for glucagon from a county health department; authorizing a licensed health care practitioner to prescribe glucagon in the name of a school district or public school; authorizing a licensed pharmacist to dispense glucagon pursuant to such prescription; requiring a participating school to make available undesignated glucagon to be administered as ordered in a student's diabetes medical management plan or health care practitioner's orders; requiring an employee to call for emergency assistance and provide parental notification after the administration of glucagon; requiring the State Board of Education to adopt rules; providing certain persons and entities with immunity

581-02507-25 2025772c1

from civil and criminal liability under certain circumstances; providing an effective date.

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

Section 1. Paragraph (j) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(j) *Diabetes management.*—

1. As used in this paragraph, the term:

a. "Authorized health care practitioner" means a physician licensed under chapter 458 or chapter 459, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under chapter 464.

b. "Participating school" means a public school which maintains a supply of undesignated glucagon pursuant to this paragraph.

c. "Undesignated glucagon" means a glucagon rescue therapy approved by the United States Food and Drug Administration that does not require reconstitution for the treatment of severe hypoglycemia in a dosage form that can be rapidly administered to the patient in an emergency, including prefilled injectable or nasally administered glucagon, and is prescribed in the name

of a public school or school district pursuant to this paragraph.

2. A school district may not restrict the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel. Diabetic students whose parent and physician provide their written authorization to the school principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia.

a. The State Board of Education, in cooperation with the Department of Health, shall adopt rules to encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and emergency diabetes care. The State Board of Education, in cooperation with the Department of Health, shall also adopt rules for the management and care of diabetes by students in schools that include provisions to protect the safety of all students from the misuse or abuse of

diabetic supplies or equipment.

b. A school district, county health department, and public-private partner, and the employees and volunteers of those entities, shall be indemnified by the parent of a student authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this paragraph.

3. A school district or public school may acquire and maintain a supply of undesignated glucagon for the purpose of treating a student with diabetes experiencing a hypoglycemic emergency. Undesignated glucagon must be stored in a secure location on the school's premises that is immediately accessible to a school nurse or other school personnel trained to administer glucagon pursuant to this paragraph. Undesignated glucagon must be stored in accordance with the manufacturer's instructions.

a. A school district or public school may acquire and stock a supply of glucagon from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for glucagon at fair market, free, or reduced prices pursuant to a prescription issued in accordance with this section.

b. A school district or public school may accept donated or transferred glucagon if it is new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug Administration. A school district or public school may also obtain monetary donations or apply for grants to purchase glucagon.

c. A school district or public school may request a prescription for glucagon from a county health department.

4. An authorized health care practitioner may prescribe glucagon in the name of a school district or public school for use in accordance with this section, and a licensed pharmacist may dispense glucagon pursuant to a prescription issued in the name of a school district or public school for use in accordance with this paragraph.

5. A participating school shall make available undesignated glucagon that is able to be administered as ordered in a student's diabetes medical management plan or health care practitioner's orders.

6. A school nurse or trained school personnel shall administer glucagon to students only if such school nurse or trained school personnel has successfully completed training and believe in good faith that the student is experiencing a hypoglycemic emergency.

7. Immediately after undesignated glucagon has been administered to a student, an employee of the public school shall call for emergency assistance, notify the school nurse, and notify the student's parent or guardian or emergency contact.

8. The State Board of Education, in cooperation with the Department of Health, shall adopt rules to implement the provisions of this paragraph.

9. Notwithstanding any other provision of law to the contrary, a school nurse or school personnel of a school district trained in the administration of glucagon who administers or attempts to administer glucagon in compliance

with this section and s. 768.13 and the school district that employs the school nurse or the trained school personnel are immune from civil or criminal liability as a result of such administration or attempted administration of glucagon.

10.a. An authorized health care practitioner, acting in good faith and exercising reasonable care, is not subject to discipline or other adverse action under any professional licensure statute or rule and is immune from any civil or criminal liability as a result of prescribing glucagon in accordance with this section.

b. A dispensing health care practitioner or pharmacist, acting in good faith and exercising reasonable care, is not subject to discipline or other adverse action under any professional licensure statute or rule and is immune from any civil or criminal liability as a result of dispensing glucagon in accordance with this section.

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: April 1st, 2025

I respectfully request that **Senate Bill #772**, relating to Diabetes Management in Schools, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

772
Bill Number or Topic

Amendment Barcode (if applicable)

Name Amanda Fraser

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: American Diabetes 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. 2020-2022JointRules.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

07/08/25
Meeting Date

Rules
Committee

772
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-855-7604

Address 1747 Orlando Central Pkwy
Street

Orlando FL 32809
City State Zip

Email vp.leadership@floridapta.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:

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

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

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 784
INTRODUCER:	Rules Committee; Judiciary Committee; Community Affairs Committee and Senator Ingoglia
SUBJECT:	Platting
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 784 amends state law in connection with how local governments review and approve plats. The bill requires local governments to review and approve plat and replat submittals administratively through a designated authority, and provides parameters on the administrative review process.

The bill takes effect July 1, 2025.

II. Present Situation:

Platting

In Florida law, a "plat" is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.[1] Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.[2]

[1] Section 177.031(14), F.S.

[2] Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/.

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.[3] Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.[4]

Before recording a plat, it must be approved by the appropriate local government, and evidence of the approval must be placed on the plat. If the plat is not approved, the local government must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation.[5]

Jurisdiction over plat review and approval is as follows:

- When the plat to be submitted for approval is located entirely within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When the plat lies entirely within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When the plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its own boundaries, unless both governing bodies having jurisdiction agree that one plat is acceptable.[6]

To be recorded, every subdivision plat must include, in addition to other information required by statute, the following information:

- The name of the plat in bold legible letters. Each sheet of the plat must show the name of the subdivision, the professional surveyor and mapper or legal entity, and street and mailing address information.[7]
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.[8]
- The dedications and approvals prepared by the surveyor and mapper and the local government, as well as the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.[9]
- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries must be defined by metes and bounds and courses.[10]
- The location, width, and names of all streets, waterways, or other rights-of-way.[11]

[3] Section 177.011, F.S.
[4] Section 177.081(1), F.S.
[5] Section 177.071(1) F.S.
[6] *Id.*
[7] Section 177.091(5), F.S.
[8] Section 177.091(10), F.S.
[9] Section 177.091(12)-(13), F.S.
[10] Section 177.091(14), F.S.
[11] Section 177.091(15), F.S.

- The location and width of proposed easements and existing easements identified in the title opinion or property information report. All easements and their intended uses must be shown on the face of the plat or indicated in the notes or legend.[12]
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block. Blocks must also be progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.[13]
- The survey data needed to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.[14]
- All designated park and recreation parcels.[15]
- All interior parcels excepted from the plat, clearly indicated and labeled as "Not a part of this plat."[16]
- The purpose of all dedicated areas, clearly indicated or stated on the plat.[17]
- All platted utility easements, which must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; however, the construction, installation, maintenance, and operation of cable television services may not interfere with the facilities and services of an electric, telephone, gas, or other public utility.[18]

III. Effect of Proposed Changes:

The bill amends s. 177.071, F.S., in connection with how local governments review and approve plats.

Specifically, the bill requires local governments to review, process, and approve plats or replat submittals without action or approval by the governing body through an administrative authority and official designated by ordinance.

The administrative authority must be a department, division, or other agency of the local government, and includes an administrative officer or employee which may be a county or city administrator or manager, or assistant or deputy thereto, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the local government's land development, housing, utilities, or public works programs.

Under the bill, the authority must provide written notice in response to a submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes.

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must

[12] Section 177.091(16), F.S.
[13] Section 177.091(18), F.S.
[14] Section 177.091(19), F.S.
[15] Section 177.091(23), F.S.
[16] Section 177.091(24), F.S.
[17] Section 177.091(25), F.S.
[18] Section 177.091(28), F.S.

be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.

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:

The bill may reduce carrying costs for those relying on a local government to process applications relating to real property development before a parcel can be sold.

C. Government Sector Impact:

Local governments that are not currently reviewing and approving plats within the timeframes in the bill may incur additional costs to expedite their activities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 177.071 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/CS by Rules on April 8, 2025:
The committee substitute revises the mechanism of plat or replat approval in the bill to require that a local government designate an administrative authority responsible for the approval process. The authority must accept plat or replat submittals, respond within 7 days with a written notice including any outstanding required documentation and an outline of the procedures and timeline leading to approval, and ultimately approve, approve with conditions, or deny the submittal based on its compliance with law.

CS/CS by Judiciary on April 1, 2025:
The committee substitute eliminates the section of the bill authorizing applicants to engage a private provider of street and mailing address and individual parcel identification number information, if that information is not issued within 2 weeks by the local government. The section also would have prohibited the governing body of the local government from collecting an addressing fee if it had failed to issue addresses and parcel identification numbers within the required timeframes.

CS by Community Affairs on March 17, 2025:
The committee substitute:
- Provides that, as opposed to reduction in fees, the failure to issue street and mailing addresses and parcel identification numbers will entitle the applicant to engage a private provider to create the required information.
- Requires plat and replat submittals be approved administratively and provides associated timeframes for which local governments must approve or deny such submissions, or specify non-compliance.

B. Amendments:

None.

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

908718

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 20 - 41

and insert:

Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if

908718

the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving,

908718

and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4) ~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

908718

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat ~~the governing bodies having said jurisdiction~~ agree that one plat is mutually acceptable.

(5)~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats plat.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

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

908718

And the title is amended as follows:

Delete lines 3 - 16

and insert:

F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

250526

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Ingoglia) recommended the following:

Senate Amendment to Amendment (908718)

Delete line 86

and insert:

177.111 Instructions for filing plats ~~plat~~.—After the

By the Committees on Judiciary; and Community Affairs; and
Senator Ingoglia

590-03181-25 2025784c2

A bill to be entitled

An act relating to platting; amending s. 177.071, F.S.; requiring that plat or replat submittals be reviewed and approved administratively by a designee or designees of the appropriate local governing body; requiring such designee or designees to review such plat or replat submittal for compliance within a specified timeframe; requiring that written comments be provided to the applicant if the plat or replat submittal fails to meet specified requirements; requiring that the plat or replat submittal be approved, approved with conditions, or denied within a specified timeframe; providing an exception; prohibiting certain entities from requesting or requiring an applicant to file a written extension of time; providing an effective date.

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

Section 1. Present subsections (1) and (2) of section 177.071, Florida Statutes, are redesignated as subsections (2) and (3), respectively, and a new subsection (1) is added to that section, to read:

177.071 Approval of plat by governing bodies.—

(1) Plat or replat submittals shall be reviewed and approved administratively by a designee or designees of the appropriate local governing body. Within 15 days after receipt of a plat or replat submittal, the designee or designees of the appropriate local governing body shall review the plat or replat submittal for compliance with s. 177.091. If it is determined that such plat or replat submittal fails to meet the requirements of s. 177.091, written comments specifying the areas of noncompliance must be provided to the applicant within the 15-day review period. The plat or replat submittal must be approved, approved with conditions, or denied within 30 working days from the date that the plat or replat is submitted, unless a written extension of this timeframe is requested by the applicant and approved by the governing body. An official, employee, agent, or designee of the governing body may not request or require the applicant to file a written extension of time.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Transportation, Tourism, and Economic Development
Fiscal Policy
Regulated Industries
Rules

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR BLAISE INGOGLIA
11th District

April 2nd, 2025

The Honorable Kathleen Passidomo, Chair
Rules Committee
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 784 on Platting

President Passidomo,

Senate Bill 784 has been referred to the Rules Committee as its final committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

Blaise Ingoglia
State Senator, District 11

CC'd: Tom Yeatman, Shasta Kruse, Cynthia Futch

REPLY TO:
❒ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
❒ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

04/08/25
Meeting Date

Rules
Committee

SB 0784
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan T. Burke

Phone 727-512-2469

Address 1319 Thomaswood dr
Street

Email bburke@fhba.com

Tallahassee
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 Home Builders 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. 2020-2022JointRules.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 832
INTRODUCER:	Environment and Natural Resources Committee; Judiciary Committee and Senator Burgess
SUBJECT:	Former Phosphate Mining Lands
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Fav/CS**
2.	Barriero	Rogers	EN	**Fav/CS**
3.	Collazo	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 832 establishes a defense from strict liability in lawsuits brought by the Department of Environmental Protection or others for a cause of action based on a natural geological substance on the site of a former phosphate mine.

For a defendant to be exempt from strict liability under the defense created by the bill, the defendant must prove that:

- A notice identifying the property as a former phosphate mine has been recorded within the county where the property is located.
- The Department of Health has conducted a gamma radiation survey of the land parcel at the request of a landowner.

For any lawsuit based on strict liability, negligence, or similar conduct related to an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, the bill requires the plaintiff to include a radiation survey meeting certain requirements with the complaint.

II. Present Situation:

Phosphate Mining

Phosphate rock contains the mineral phosphorus, an ingredient used in some fertilizers to help plants grow strong roots.[1] Phosphate rock contains small amounts of naturally-occurring radioactive[2] elements called radionuclides. Uranium and radium are two kinds of radionuclides.[3] The natural breakdown of uranium and radium results in radon, which is a radioactive gas that can move through the ground and accumulate in buildings over time.[4]

Prior to mining for phosphate, mining operators must first prepare the site by obtaining certain permits and surveying and clearing the land.[5] The phosphate is mined by excavating the top 15 to 30 feet of earth to remove the phosphate rock.[6]

The phosphate rock is removed with clay and sand that is then dumped into a pit to create a slurry; the slurry is then piped to a beneficiation plant where the phosphate is separated from the sand and clay.[7] After undergoing the beneficiation process, the clay is pumped through pipelines into large impoundment areas, known as clay settling areas, where it is stored indefinitely. The sand, which may include residual concentrations of radionuclides, is pumped through pipelines back to the mined area and used in reclamation.[8]

When processing phosphate rock to make fertilizer, the phosphorous is removed by dissolving the rock in an acidic solution.[9] The solid waste that remains is called phosphogypsum.[10] To limit the public's exposure to radon, which is created as a result of radium decay of phosphogypsum, the phosphogypsum is piled into stacks on private property located away from the public.[11]

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[1] U.S. Environmental Protection Agency (EPA), *Radioactive Material from Fertilizer Production*, https://www.epa.gov/radtown/radioactive-material-fertilizer-production (last visited Mar. 17, 2025).
[2] These elements emit radiation at a specific rate that is measured in terms of a half-life. A half-life is the time required for half of the radioactive atoms present to decay. This process can take seconds or millions of years, depending on the radionuclide. EPA, *Radionuclides*, https://www.epa.gov/radiation/radionuclides (last visited Mar. 17, 2025).
[3] *Id.*
[4] EPA, *Radionuclide Basics: Radon*, https://www.epa.gov/radiation/radionuclide-basics-radon (last visited Mar. 17, 2025).
[5] Department of Environmental Protection (DEP), *Phosphate*, https://floridadep.gov/water/mining-mitigation/content/phosphate (last visited Mar. 17, 2025).
[6] *Id.*
[7] *Id.*
[8] *Id.;* Department of Health (DOH), *Environmental Radiation Programs*, https://www.floridahealth.gov/environmental-health/radiation-control/envrad/index.html (last visited Mar. 17, 2025). According to DOH, Florida's phosphate deposits contain varying concentrations of uranium and radium. Although generally the radiation dose received from these concentrations is insignificant, the dose can become significant if the concentration increases through mining the ore. To monitor this situation, DOH takes soil, air, and water samples both before and after mining occurs and measures the radiation levels. *Id.*
[9] EPA, *Radioactive Material from Fertilizer Production*.
[10] EPA, *Phosphogypsum*, https://www.epa.gov/radiation/phosphogypsum (last visited Mar. 17, 2025).
[11] *Id.*; EPA, *Radioactive Material from Fertilizer Production*.

Phosphate Mines in Florida

Phosphate mining is the fifth largest mining industry in the U.S. in terms of the amount of material mined.[12] Florida is the largest known U.S. source of phosphates, accounting for more than 60 percent of U.S. production.[13] Within Florida, phosphate mining primarily occurs in an area known as Bone Valley.[14] This area consists of approximately 1.3 million acres within Hardee, Hillsborough, Manatee, and Polk counties.[15]

There are 28 phosphate mines in Florida, of which 11 mines are currently active, and 10 mines are 100 percent reclaimed and released from reclamation obligations.[16] The remaining mines are either not started or are shut down. Phosphate mines typically range in size from approximately 5,000 to 100,000 acres.[17]

Phosphate mining disturbs between 3,000 to 6,000 acres annually in Florida.[18] Approximately 25 to 30 percent of these lands are wetlands or other surface waters.[19]

Reclamation

The Legislature has found that mining phosphate serves as an important economic interest for the state but also recognizes that it is a temporary land use.[20] As such, all lands mined after July 1, 1975, are required to be reclaimed after mining is completed.[21] The Department of Environmental Protection (DEP) is responsible for creating and enforcing rules regarding phosphate mining, including phosphate mine reclamation.[22]

The process of reclamation begins with an applicant submitting a conceptual plan[23] application for reclamation at least 6 months prior to beginning site preparation[24] or mining operations,[25] whichever occurs first.[26] To be approved, a conceptual plan has to meet certain safety, water quality, flooding and draining, waste disposal, and other criteria.[27] Reclamation and restoration of

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[12] EPA, *Radioactive Material from Fertilizer Production*, https://www.epa.gov/radtown/radioactive-material-fertilizer-production.
[13] U.S. Geological Survey, *LCMAP Assessment: Phosphate Mining in Florida*, https://geonarrative.usgs.gov/lcmap-assessment-phosphate-mining-florida/ (last visited Mar. 17, 2025).
[14] DEP, *Phosphate*, https://floridadep.gov/water/mining-mitigation/content/phosphate.
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] Section 378.202(1), F.S.
[21] Section 378.204, F.S. These lands are referred to as mandatory land, whereas lands mined prior to July 1, 1975, were exempt from reclaim regulations and are called nonmandatory land. *See id.*
[22] Section 378.205(2), F.S.
[23] "Conceptual plan" means a graphic and written description of general activities to be undertaken across the whole mine to comply with the reclamation standards. Fla. Admin. Code R. 62C-16.0021(5).
[24] "Site preparation" means those physical activities involving clearing or modification of the land surface conducted before initiating mining or mining operations, excluding prospecting, or agricultural practices or agricultural activities that are not initiated to directly serve future mining operations. Fla. Admin. Code R. 62C-16.0021(20).
[25] "Mining operation" means those physical activities other than prospecting and site preparation which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment. Fla. Admin. Code R. 62C-16.0021(10).
[26] Fla. Admin. Code R. 62C-16.0032(2)(a).
[27] Fla. Admin. Code R. 62C-16.0051.

mining lands must be completed within 2 years of the actual completion of mining operations.[28] Each year on March 1, after the approval of a conceptual reclamation plan, each operator is required to submit an annual mining and reclamation report describing the mining and reclamation activities for the previous calendar year and the proposed mining and reclamation for the current year.[29]

During the process of reclamation, credentialed representatives of DEP are authorized to enter lands for the purpose of inspecting them to ensure compliance with reclamation regulations.[30] Once an operator of a phosphate mine has completed its reclamation and restoration requirements within a reclamation parcel, it may request a release of the reclamation parcel in writing.[31] Within 90 days after receiving a written request for release, DEP will conduct a final inspection of the land.[32] If DEP does not find that all the reclamation and restoration requirements have been met, it will notify the operator of the deficiencies that must be corrected.[33] When DEP approves of the reclamation and restoration of a parcel, an operator is released from its reclamation and tax obligations for the phosphate mining parcel.[34]

Radiation Surveys

Radon that naturally occurs in soil is generally not a health concern, however, exposure to radon at higher levels and over prolonged periods of time can cause a serious hazard to human health by increasing the risk of developing lung cancer.[35] The Department of Health (DOH) takes samples from the soil, air, and water from phosphate mining parcels before mining begins and after reclamation has been completed to monitor the radioactivity of phosphate mining sites.[36] These samples include gamma radiation exposure measurements, soil radon emanation determinations, soil radium determinations, air monitoring, and surface and ground water monitoring of areas that are potentially impacted by mining activities.[37] DOH requires a mining company to pay fees for such monitoring.[38]

Radiation Measurement Specialists

Any person who tests or mitigates the presence of radon for a fee must be certified by DOH.[39] Additionally, the American Board of Health Physics and the National Registry of Radiation Protection Technologists have certification programs for specialists engaging in radiation measurements.

[28] Section 378.209(1), F.S.; Fla. Admin. Code R. 62C-16.0051(12)(b)4.
[29] Fla. Admin. Code R. 62C-16.0091(1).
[30] Fla. Admin. Code R. 62C-16.0067(1).
[31] Fla. Admin. Code R. 62C-16.0068(1).
[32] Fla. Admin. Code R. 62C-16.0068(2).
[33] Fla. Admin. Code R. 62C-16.0068(3)(a).
[34] Fla. Admin. Code R. 62C-16.0068(3)(b).
[35] EPA, *Phosphogypsum*, https://www.epa.gov/radiation/phosphogypsum.
[36] DOH, *Environmental Radiation Programs*, https://www.floridahealth.gov/environmental-health/radiation-control/envrad/index.html; Fla. Admin. Code R. 64E-5.1002.
[37] Fla. Admin. Code R. 64E-5.1002.
[38] Fla. Admin. Code R. 64E-5.1003. Gamma radiation exposure measurements are made at the rate of one per acre. *Id.*
[39] Fla. Admin. Code R. 64E-5.1203(1).

A health physicist who is certified by the board must do the following to become certified:

- Obtain a bachelor's or graduate degree from an accredited college or university in physical science, engineering, or biological science.
- Complete at least six years of responsible professional experience in health physics, with three years of that being applied health physics. A degree may be substituted for two years of experience.
- Submit a list of professional references.
- Submit a written report demonstrating that the candidate has produced professional level work in health physics.
- Pass a two-part exam.[40]

A radiation protection technologist who is certified by the registry must do the following to become certified:

- Have a high school diploma or equivalent.
- Be at least 21 years old at the time of applying.
- Submit evidence of operational abilities as a Radiation Protection Technologist, showing at least five years of experience. Experience can be substituted for training or formal education.
- Pass an examination.[41]

Legal Liability Standards

Strict Liability

Strict liability is a legal concept in civil and criminal actions that holds a defendant liable for committing an action, regardless of his or her intent or mental state.[42] In a civil action involving strict liability, the plaintiff does not need to prove the defendant was negligent.

Negligence

Tortious conduct, or torts, are typically divided into two categories: intentional torts or unintentional acts known as negligence. Negligence is the failure to behave with the level of care that a reasonable person would have exercised under the same circumstances.[43] To prevail in a negligence lawsuit, the party seeking the remedy must prove four elements: a legal duty was owed by the defendant to the plaintiff; the defendant breached that duty; the plaintiff's injury was caused by the defendant's breach; and damages resulted from that injury.[44]

[40] American Board of Health Physics, *Prospectus for the American Board of Health Physics*, 4-6 (Jun. 2024), available at https://www.aahp-abhp.org/wp-content/uploads/2024/10/Prospectus-for-the-ABHP-June-2024.pdf.
[41] National Registry of Radiation Protection Technologists, *Exam Requirements, Fees and Schedules*, https://www.nrrpt.org/index.cfm/m/7/ (last visited Mar. 3, 2025).
[42] Cornell Law School, *Strict Liability*, https://www.law.cornell.edu/wex/strict_liability (last visited Mar. 3, 2025).
[43] Cornell Law School, *Negligence*, https://www.law.cornell.edu/wex/negligence (last visited Mar. 3, 2025).
[44] *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

Water Quality Assurance Act

In 1983, the Legislature passed the Water Quality Assurance Act[45] to address pollution in surface and ground waters across the state.[46] To ensure the preservation of the state's water resources, the Act prohibits discharges, pollutants, or hazardous substances into or upon the surface or ground waters of the state.[47] DEP is the agency authorized to establish and enforce programs to rehabilitate any polluted waters or lands.[48] As part of its authority, DEP may sue any person[49] to enforce the liabilities imposed by the Act.[50]

Additionally, the Act creates a private cause of action for all damages resulting from a discharge[51] or other condition of pollution covered by the Act if the discharge was not specifically authorized by ch. 403, F.S.[52] The Act defines pollution as the presence on the land or in the waters of the state of pollutants in quantities that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.[53]

The Act imposes strict liability on a polluter, meaning it is only necessary to show the prohibited discharge or other pollutive condition occurred; it is not necessary to prove the polluter acted negligently.[54] The Act expressly imposes strict liability on an owner or operator of a facility, or on any person who caused a discharge or other polluting condition at a facility.[55]

Because the Act imposes a strict liability standard, if a defendant is sued under the Act, the only defense a defendant may plead and prove to avoid liability is that the occurrence was solely the result of any of the following conditions or a combination of conditions:

- An act of war.
- An act of government.[56]
- An act of God.[57]

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[45] *See* ch. 83-310, s. 84, Laws of Fla. (codifying ss. 376.30-376.317, F.S.).
[46] *See generally* s. 376.30, F.S.; *see also* Alexa J. Lamm and Pei-wen Huang, *Water Quality Assurance Act: What is it and how can we talk about it?*, University of Florida Institute for Food and Agricultural Sciences (UF/IFAS), Center for Public Issues Education, *available at* https://www.piecenter.com/pep/wp-content/uploads/PEP_WQAA_Final.pdf (last visited Mar. 17, 2025).
[47] Section 376.302(1), F.S.
[48] Section 376.30(3), F.S.
[49] "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity. Section 376.301(29), F.S.
[50] Section 376.303(1)(j), F.S.
[51] "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Pollutant Discharge Prevention and Control Act (ss. 376.011-376.21, F.S.). Section 376.301(13), F.S.
[52] Section 376.313(3), F.S. Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, and water supply and water treatment plants.
[53] Section 376.301(37), F.S.
[54] Section 376.308(1), F.S.
[55] Section 376.308(1)(a), F.S.
[56] Section 376.308(2)(b), F.S. This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only by acts of other governmental bodies.
[57] Section 376.308(2)(c), F.S. This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency.

- An act or omission of a third party under certain conditions.[58]

Liability under the Act is joint and several.[59] However, if more than one discharge has occurred and the damage is divisible and can be attributed to a particular defendant or defendants, each defendant is liable only for the costs associated with his or her damages. The burden is on the defendant to demonstrate the divisibility of the damages.[60]

However, the Act does not define the term "damages." In a 2010 case involving a claim arising under s. 376.313(3), F.S., the Florida Supreme Court applied a definition from a different section of Chapter 376, F.S., which defines damages as "the documented extent of any destruction to or loss of any real or personal property, or the documented extent…of any destruction of the environment and natural resources, including all living things except human beings, as the direct result of the discharge of a pollutant."[61] In 2019, the Court receded from this definition, and held the meaning of "all damages" in s. 376.313(3), F.S., includes personal injury damages.[62]

III. Effect of Proposed Changes:

The bill establishes a defense from strict liability in lawsuits brought by the Department of Environmental Protection (DEP) or others for a cause of action based on a natural geological substance on the site of a former phosphate mine. Former phosphate mine owners and operators must satisfy certain conditions to rely upon the defense.

The Water Quality Assurance Act imposes strict liability on persons or entities that are responsible for environmental pollution. The strict liability defense established by the bill applies to lawsuits brought by both DEP and private parties.

Section 1 amends s. 376.308(2), F.S., to add the defense to the statutory list of defenses a defendant may plead and prove to avoid strict liability under the Water Quality Assurance Act. Specifically, a defendant may avoid strict liability under the Act if the condition giving rise to the cause of action is a natural geological substance of a former phosphate mine[63] for which:

- A notice identifying the property as a former phosphate mine has been recorded in accordance with s. 378.213(2), F.S.; and
- The Department of Health (DOH) has conducted a radiation survey of the property at the request of a landowner pursuant to s. 404.0561(1), F.S.

[58] Section 376.308(2), F.S.; *see also* s. 376.308(1)(c), F.S. (providing that defenses also exist for an owner of a petroleum storage facility or a drycleaning or wholesale supply facility where certain circumstances apply).
[59] Sections 376.313(3) and 376.308(4), F.S. Joint and several liability refers to instances when two or more parties are liable for a tortious act, and each party may be found to be independently liable for the full extent of the injury stemming from the tortious act. Cornell Law School, *Joint and Several Liability*, https://www.law.cornell.edu/wex/joint_and_several_liability (last visited Mar. 3, 2025).
[60] Section 376.308(4), F.S.
[61] *Curd v. Mosaic Fertilizer, LLC*, 39 So. 3d 1216, 1221 (Fla. 2010); section 376.031(5), F.S.
[62] *Charles L. Lieupo v. Simon's Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).
[63] The bill defines "former phosphate mine" as an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561, F.S., which is created by the bill, and state reclamation requirements of ss. 378.201-378.212, F.S., but does not include a phosphogypsum stack.

Sections 378.213 and 404.0561, F.S., are both new statutes created by the bill and are discussed in detail below.

Section 2 creates s. 378.213, F.S., regarding notice to the public that certain specified lands are former phosphate mine sites. The bill provides that a landowner may record a notice in the official records of the county in which the land is located which identifies the landowner's property as a former phosphate mine. The recorded notice must be in substantially the following form:

NOTICE
This property is a former phosphate mine as defined in s. 378.213(3), Florida Statutes.

The bill provides that such recording serves as notice that the land is a former phosphate mine. The bill defines "former phosphate mine" as an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561, F.S., which is created by the bill, and state reclamation requirements of ss. 378.201-378.212, F.S., but does not include a phosphogypsum stack.[64]

Section 3 creates s. 404.0561, F.S., regarding the survey of former phosphate mining lands. The bill provides that, upon petition by a current landowner, DOH must conduct a gamma radiation survey of a former phosphate land parcel within 120 days after receipt of the petition to determine the radioactivity levels. The survey must document gamma radiation exposure measurements and the locations of the measurements. Gamma radiation measurements must be taken at the density of one per site or one per acre of land, whichever is greater.

The bill requires DOH to provide a copy of the preliminary survey results to the petitioner within 30 days after completion of the survey. Within 60 days after receipt of the survey, the petitioner may request an additional survey based upon any reasonable belief that the survey was flawed or not representative of conditions on the site. DOH must conduct one additional survey within 90 days after receipt of the petitioner's request. The additional survey must meet the requirements of the bill and is deemed final within 90 days after completion.

The bill provides that a petitioner requesting a survey is responsible for the cost of the survey conducted by DOH.

Section 4 creates s. 768.405, F.S., regarding documentation of radiation levels. The bill requires plaintiffs to include a radiation survey of the property with any complaint they file for an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, including the presence of mining overburden, solid waste from the extraction, or beneficiation of phosphate rock from a phosphate mine. The radiation survey requirement applies to any civil action based on strict liability under state law,[65] negligence, or similar conduct. The requirement also applies to any other similar claim related to the mining of phosphatic rock or reclamation of a mined area.

[64] "Phosphogypsum stack" means any defined geographic area associated with a phosphoric acid production facility in which phosphogypsum is disposed of or stored, other than within a fully enclosed building, container, or tank. Section 403.4154(1)(d), F.S.
[65] Section 376.313(3), F.S.

The bill requires the survey to be prepared by a person certified as either a health physicist by the American Board of Health Physics or as a radiation protection technologist by the National Registry of Radiation Protection Technologists.

The bill also requires the survey to be representative and document the measured gamma radiation on the property. It must include:

- Background values determined in accordance with the Environmental Protection Agency's Multi-agency Radiation Survey and Site Investigation Manual.
- Measurement locations.
- Testing equipment used.
- Testing methodology used, including the equipment calibration date and protocol.
- Name of the person performing the survey and a description of the person's relevant training, education, and experience.

The survey must be verified under penalty of perjury as provided under state law.[66]

Section 5 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.

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.

[66] *See* section 92.525, F.S. (providing for the verification of documents and penalties for persons making false declarations).

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on owners or operators of former phosphate mines who may have a defense to strict liability under the Water Quality Assurance Act. The bill may have an indeterminate negative fiscal impact on plaintiffs associated with hiring a health physicist or radiation protection technologist. The requirement to conduct a radiation survey before commencing litigation regarding the discharge of pollution relating to phosphate mining may reduce the potential for lawsuits where there has been no harm.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Health associated with conducting radiation surveys as required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 376.308 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 378.213, 404.0561, and 768.405.

IX. Additional Information:

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

CS/CS by Environment and Natural Resources on March 25, 2025:

- Removes the legislative finding that phosphate mining is an essential agricultural activity.
- Clarifies that the Department of Health must conduct the gamma radiation survey within 120 days after receipt of the petition.
- Provides that the petitioner requesting a survey is responsible for the cost of the survey.

CS by Judiciary on March 12, 2025:

The committee substitute revises the underlying bill to:

- Prescribe a form for the notice that a landowner may record identifying the landowner's property as a former phosphate mine.
- Define the term "former phosphate mine."
- Make other revisions not affecting the effect of 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.

By the Committees on Environment and Natural Resources; and Judiciary; and Senator Burgess

592-02834-25 2025832c2

A bill to be entitled

An act relating to former phosphate mining lands; amending s. 376.308, F.S.; providing conditions for a cause of action against certain former phosphate mine sites; creating s. 378.213, F.S.; authorizing landowners to record certain notice of former phosphate mines; specifying requirements for such notice; defining the term "former phosphate mine"; creating s. 404.0561, F.S.; requiring the Department of Health to conduct gamma radiation surveys of former phosphate land parcels upon petition; providing conditions and requirements for such surveys; specifying that petitioners bear the cost of surveys; creating s. 768.405, F.S.; requiring that specified documentation of radiation levels be submitted in certain civil actions related to phosphate mining; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (2) of section 376.308, Florida Statutes, to read:

376.308 Liabilities and defenses of facilities.—

(2) In addition to the defense described in paragraph (1)(c), the only other defenses of a person specified in subsection (1) are to plead and prove that the occurrence was solely the result of any of the following or any combination of the following:

(e) The condition giving rise to the cause of action is a

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

592-02834-25 2025832c2

natural geological substance of a former phosphate mine, as defined in s. 378.213, for which:

1. A notice has been recorded in accordance with s. 378.213(2); and

2. The Department of Health has conducted a survey under s. 404.0561(1).

Section 2. Section 378.213, Florida Statutes, is created to read:

378.213 Notice of former phosphate mine site.—

(1) A landowner may record a notice in the official records of the county in which the land is located which identifies the landowner's property as a former phosphate mine. The recorded notice must be in substantially the following form:

NOTICE

This property is a former phosphate mine as defined in s. 378.213(2), Florida Statutes.

Such recording serves as notice that the land is a former phosphate mine.

(2) As used in this section, the term "former phosphate mine" means an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561 and state reclamation requirements of ss. 378.201-378.212, but does not include a phosphogypsum stack as defined in s. 403.4154(1)(d).

Section 3. Section 404.0561, Florida Statutes, is created to read:

404.0561 Survey of former phosphate mining lands.—

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

(1) Upon petition by a current landowner, the department shall conduct a gamma radiation survey of a former phosphate land parcel within 120 days after receipt of the petition to determine the radioactivity levels. The survey must document gamma radiation exposure measurements and the locations of the measurements. Gamma radiation measurements must be taken at the density of one per site or one per acre of land, whichever is greater.

(2) The department shall provide a copy of the preliminary survey results to the petitioner within 30 days after completion of the survey. Within 60 days after receipt of the survey, the petitioner may request an additional survey based upon any reasonable belief that the survey was flawed or not representative of conditions on the site. The department shall conduct one additional survey within 90 days after receipt of the petitioner's request. The additional survey must meet the requirements of this section and is deemed final within 90 days after completion.

(3) A petitioner requesting a survey pursuant to this section is responsible for the cost of the survey conducted by the department.

Section 4. Section 768.405, Florida Statutes, is created to read:

768.405 Documentation of radiation levels.—In any civil action based on strict liability under s. 376.313(3), negligence or similar conduct related to an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, including the presence of mining overburden, solid waste from the extraction, or beneficiation of phosphate rock from a

phosphate mine; or any other similar claim related to the mining of phosphatic rock or reclamation of a mined area, the plaintiff must include a radiation survey of the property with the complaint. The survey must be prepared by a person certified as either a health physicist by the American Board of Health Physics or as a radiation protection technologist by the National Registry of Radiation Protection Technologists. The survey must be representative and document the measured gamma radiation on the property, including background values determined in accordance with the Environmental Protection Agency's Multi-agency Radiation Survey and Site Investigation Manual; the locations of the measurements; the testing equipment; the testing methodology used, including the equipment calibration date and protocol; and the name of the person performing the survey and describe the person's relevant training, education, and experience. The survey shall be verified under penalty of perjury as provided in s. 92.525.

Section 5. 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: April 2, 2025

I respectfully request that **Senate Bill #832**, relating to Former Phosphate Mines, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

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

File signed original with committee office

4/8/25
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

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

832
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jim Spratt

Phone 850-228-1296

Address 119 S Monroe St
Street

Email jim@maguirestrategies.com

TLH 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 Fertilizer & Agri-chemical 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/8/2025
Meeting Date

Rules
Committee

832
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill

Phone 850-766-7983

Address 136 S. Bronough St.
Street

Email cmadill@flchamber.com

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 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/8
Meeting Date

Rules
Committee

832
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andrew Liebert

Phone 239-595-5940

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:
Polk County

☐ 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)

4/8/25
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

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SB 832
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850-933-4165

Address 516 N Adams St
Street

Email cfink@aif.com

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:
Associated Industries of Florida

☐ 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

APPEARANCE RECORD

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April 8th, 2025
Meeting Date

Rules
Committee

SB 832
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pierce Schuessler - Florida Rural Economic Development Assoc

Phone 850-509-9977

Address 215 S. Monroe Street - Suite 301
Street

Email pierce.schuessler@bipc.com

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:

☐ 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

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Senate professional staff conducting the meeting

4/8/25
Meeting Date

Rules
Committee

832
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ernie Barnett

Phone 850 284-6178

Address 4524 Gun Club Rd
Street

West Palm Bch FL 33415
City *State* *Zip*

Email Barnett@floridawaterandland.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: Fla. Land 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. 2020-2022JointRules.pdf (flsenate.gov)

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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 910
INTRODUCER:	Rules Committee; Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Collins
SUBJECT:	Veterans' Benefits Assistance
DATE:	April 8, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Proctor	MS	**Fav/CS**
2.	Renner	McKay	CM	**Favorable**
3.	Proctor	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 910 amends s. 435.02, F.S., to include the Florida Department of Veterans' Affairs (FDVA) in the definition of "specified agency" for purposes of conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Additionally, the bill creates s. 501.9741, F.S., to govern the payment of fees by a veteran to an unaccredited person for advising, assisting, or consulting in securing federal benefits.

The bill authorizes compensation for advising, assisting, or consulting with an individual regarding any preparation, presentation, or prosecution of a veteran's claim, or a claim by any other individual under the laws and regulations administered by the FDVA or the United States Department of Veterans Affairs (VA) if, before rendering services, a written agreement is executed. Compensation for such services is contingent upon securing an increase in benefits awarded and may not exceed the lesser of four times the amount of the monthly increase in benefits awarded based on the claim or $12,500.

The bill prohibits a provider from guaranteeing, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits. In addition, the bill prohibits compensation for

referring an individual to another person who will advise, assist, or consult with the individual regarding any preparation, presentation, or prosecution of a veteran's claim.

A violation of the provisions of the bill is a violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).

The bill may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the FDVA or agents or attorneys accredited by the VA.

The bill may have an indeterminate fiscal impact on state government. *See* Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Veterans in Florida

Other than California and Texas, Florida has the third largest population of veterans.[1] More than 1.4 million veterans reside in the state, which is 12 percent of the state's population of adults aged 18 and over.[2] Additionally, Florida has the second largest population of veterans who are women, at more than 168,000. Veterans who are women is one of the fastest growing groups among the veterans' population.[3]

State Benefits for Veterans

In addition to federal benefits, veterans in the state have access to a multitude of benefits. The FDVA educates and assists veterans to help them access services and benefits in housing, health care, disability claims, education, burial benefits, and employment including veterans' preference.[4]

The FDVA also annually produces the Florida Veterans' Benefits Guide, to connect veterans and their families with earned federal and state benefits, services, and support. The guide provides a comprehensive listing of services and benefits for veterans in the state.[5]

[1] Dep't of Veterans' Affairs, *Our Veterans, available at* https://www.floridavets.org/our-veterans/ (last visited March 28, 2025).
[2] *Id.*
[3] Dep't of Veterans' Affairs, *Women Veterans, available at* https://floridavets.org/our-veterans/women-veterans/ (last visited March 28, 2025).
[4] Dep't of Veterans' Affairs, *Benefits & Services, available at* https://www.floridavets.org/benefits-services/ (last visited March 28, 2025).
[5] Dep't of Veterans' Affairs, *Florida Veterans' Benefits Guide, available at* https://floridavets.org/resources/va-benefits-guide/ (last visited March 28, 2025).

Veterans Claims Examiners

The FDVA oversees and operates as part of its jurisdiction the Division of Veterans' Benefits and Assistance. A bureau within the division is the Bureau of Veteran Claim Services.[6] Through the Bureau, veterans' claims examiners assist veterans in securing earned services, benefits, and support.

The FDVA houses claims examiner offices throughout the state, including at the VA Regional Office in Bay Pine, each VA Medical Center, and many VA Outpatient Clinics.[7] Claims assistance is provided at no cost and covers all state and federal veterans' programs.[8]

City and County Veteran Service Officers

City and county veteran service officers are hired locally, respectively by their local municipality or the board of county commissioners.[9] To qualify, an applicant must be a veteran who:

- Served in the active military, naval, or air service; and
- Was discharged or released under honorable conditions or who later received an upgraded discharge under honorable conditions.[10,11]

The applicant must additionally have a minimum of a 2-year degree from an accredited university, college, or community college or a high school degree or its equivalent and 4 years of administrative experience.[12] A surviving spouse of a veteran may be hired if the veteran spouse meets these qualifications.[13]

The FDVA provides required training for county and city veteran service officers to assist veterans,[14] and every county or city veteran service officer must additionally successfully pass a test administered by the FDVA. In addition, the FDVA establishes periodic training refresher courses, with completion a condition of continuing employment.[15]

1-Year Presumptive Period

The "1-year presumptive period" for veterans refers to a period within one year of their discharge from active service where the VA presumes certain chronic conditions,[16] like

[6] Section 20.37(2), F.S.
[7] Dep't of Veterans' Affairs, *Benefits & Services, Claims, available at* https://www.floridavets.org/benefits-services/claims/ (last visited March 28, 2025).
[8] *Id*. and Dep't of Veterans' Affairs, *Florida Veterans' Benefits Guide 2025*, p. 8, *available at* https://floridavets.org/wp-content/uploads/2012/08/FDVA-Benefits-Guide.pdf?v=2025b (last visited March 28, 2025).
[9] Section 292.11(1), F.S.
[10] *Id*.
[11] Section 1.01(14), F.S.
[12] Section 292.11(1), F.S.
[13] *Id*.
[14] Section 292.11(4), F.S.
[15] *Id*.
[16] 38 CFR s.3.309 (Disease subject to presumptive service connection.).

hypertension, arthritis, or diabetes, to be service-related, simplifying the process of obtaining disability compensation.[17]

Some illnesses may be covered even if they appear after the 1-year presumptive period, such as:

- Hansen's disease can appear within 3 years after discharge.
- Tuberculosis can appear within 3 years after discharge.
- Multiple sclerosis can appear within 7 years after discharge.
- Amyotrophic lateral sclerosis, also known as Lou Gehrig's, can appear any time after discharge.[18]

Federal Law on Paid Services for Benefit Assistance of Veterans

Accreditation refers to the authority granted by the VA to assist claimants in preparing, presenting, and prosecuting claims for benefits.[19] Unaccredited individuals may provide other services to veterans; however, federal law prohibits unaccredited individuals from assisting in the preparation, presentation, and prosecution of claims and applications for VA benefits.[20,21]

Maine,[22] Utah[23] and New Jersey[24] have passed laws limiting for-profit consultants in VA benefit matters, and similar bills have been introduced in New York[25] and 17 other states.[26] In 2024, Louisiana enacted a law[27] to allow unaccredited consultants to charge up to $12,500 for directing veterans on how to fill out their disability forms.[28]

Federal law governs the payment of fees by a veteran to an accredited agent or attorney for representation in all proceedings in securing federal benefits.[29] Pursuant to federal law, only an accredited attorney or agent may receive fees for representation before an agency of original jurisdiction or the Board of Veterans' Appeals, subject to limitation.[30]

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[17] U.S. Department of Veterans Affairs, *Disabilities that appear within 1 year after discharge*, *available at* https://www.va.gov/disability/eligibility/illnesses-within-one-year-of-discharge/#content (last visited March 28, 2025).
[18] *Id*. and 38 CFR s. 3.309.
[19] 38 CFR s. 14.627(a).
[20] U.S. Department of Veterans Affairs, *Office of General Counsel*, *Accreditation Frequently Asked Questions*, *available at* https://www.va.gov/ogc/accred_faqs.asp (last visited March 28, 2025).
[21] *See* 38 USC s. 5901 (stating that "no individual may act as an agent or attorney in the preparation, presentation, or prosecution of any" VA claim unless the individual has been accredited by the Secretary [of Veteran Affairs]).
[22] Maine SP 976 (2024).
[23] Utah HB 248 (2025).
[24] New Jersey S 3292 (2023).
[25] New York S 1176 (2025).
[26] Anna Claire Vollers, *States go after 'claim sharks' that charge vets for help with disability claims*, Missouri Independent, Dec. 9, 2024, *available at* https://missouriindependent.com/2024/12/09/states-go-after-claim-sharks-that-charge-vets-for-help-with-disability-claims/ (last visited March 28, 2025).
[27] Louisiana SB 159 (2024).
[28] Wes Muller, *Louisiana enacts law to let consultants profit off disabled veterans' benefit claims*, Alabama Reflector, June 7, 2024, *available at* https://alabamareflector.com/2024/06/07/louisiana-enacts-law-to-let-consultants-profit-off-disabled-veterans-benefit-claims/ (last visited March 28, 2025).
[29] 38 CFR s. 14.636.
[30] *Id*.

An accredited attorney or a claims agent may never charge a claimant or receive a fee or a gift from a claimant for assistance with preparing and filing an initial VA benefits claim. ("[A] fee may not be charged, allowed, or paid for services of agents and attorneys . . . provided before the date on which a claimant is provided notice of [VA]'s initial decision . . . with respect to the case.")[31] Charging a fee or accepting a gift on an initial claim - including charging for assistance with gathering necessary documents and filling out forms - is a violation of the VA Standards of Conduct,[32] and grounds for cancellation of VA accreditation. However, once a claimant receives an initial decision on a claim or claims, an accredited attorney or a claims agent may charge a fee for assisting a claimant in seeking review of those claims.[33]

Fee Agreement

Federal law requires that a fee agreement include:

- The name of the veteran;
- The name of the claimant or appellant if other than the veteran;
- The name of any disinterested third-party payer and their relationship with the veteran, claimant, or appellant;
- The VA file number;
- Specific terms under which the amount to be paid for services is determined; and
- If the VA is to pay the agent or attorney directly out of past due benefits.[34]

A fee agreement must also include the following statement, signed by the provider:

> "I certify that no agreement, oral or otherwise, exists under which the claimant or appellant will provide anything of value to the third-party payer in this case in return for payment of my fee or salary, including, but not limited to, reimbursement of any fees paid."[35]

Amount of Fees

Federal law requires that a fee charged for services must be reasonable, based on:

- The extent and type of services performed;
- The complexity of the case;
- The level of skill and competence required in giving the services;
- The amount of time spent on the case;
- The results achieved, including the amount of benefits recovered;
- The level of review to which the claim was taken and the representative retained;
- Rates charged by other representatives for similar services;
- Whether, and to what extent, the payment of fees is contingent upon the results achieved; and

[31] 38 USC 5904(c)(1).
[32] 38 CFR ss. 14.632(c)(5) and (6).
[33] 38 CFR s. 14.636(c) and U.S. Department of Veterans Affairs, *Tips on Fee Agreements for Veterans Claims*, *available at* https://www.va.gov/OGC/docs/Accred/TipsonFeeAgreementsforVeteransClaims.pdf (last visited March 28, 2025).
[34] 38 CFR s. 14.636(g).
[35] 38 CFR s. 14.636(d)(2)(iii).

- If applicable, why an agent or attorney was discharged or withdrew from representation before the date of the decision awarding benefits.[36]

Further, a presumption of reasonableness applies if a fee does not exceed 20 percent of a past-due benefit and the representative provided service through the date of the decision awarding benefits. If a fee exceeds 33 and 1/3 percent of a past-due benefit, it is considered unreasonable. Each presumption is rebuttable upon a showing of clear and convincing evidence.[37]

Filing of a Notice of Disagreement

A Notice of Disagreement is a filing by a claimant who disagrees with the decision made by the VA on a disability compensation claim.[38] Although the claim decision by the VA becomes certified after 30 days, it is not final until one year after the date of the decision. Therefore, the claimant can file a Notice of Disagreement at any time up to one year from the date of decision.[39]

Standards of Conduct for VA Accredited Attorneys, Agents, and Representatives

VA accredited individuals providing VA claims assistance must:
- Faithfully execute their duties on behalf of a VA claimant.
- Be truthful in their dealings with claimants and VA.
- Provide claimants with competent representation before VA.
- Act with reasonable diligence and promptness in representing claimants.[40]

VA accredited individuals may not:
- Violate the standards of conduct as described in 38 CFR s. 14.632.
- Circumvent the rules of conduct through the actions of another.
- Engage in conduct involving fraud, deceit, misrepresentation, or dishonesty.
- Violate one or more of the provisions of Title 38 of the United States Code or Title 38 of the U.S. Code of Federal Regulations.
- Enter into an agreement for, charge, solicit, or receive a fee that is clearly unreasonable or otherwise prohibited by law or regulation.
- Solicit, receive, or enter into agreements for gifts related to representation provided before an agency of original jurisdiction has issued a decision on a claim or claims and a Notice of Disagreement has been filed with respect to that decision.
- Delay, without good cause, the processing of a claim at any stage of the administrative process.
- Mislead, threaten, coerce, or deceive a claimant regarding benefits or other rights under programs administered by VA.
- Engage in, or counsel or advise a claimant to engage in, acts or behavior prejudicial to the fair and orderly conduct of administrative proceedings before VA.

[36] 38 CFR s. 14.636(e).
[37] 38 CFR s. 14.636(f).
[38] U.S. Department of Veterans Affairs, *VA News, How to File a Notice of Disagreement on your VA Compensation Claim, available at* https://news.va.gov/33909/ (last visited March 28, 2025).
[39] *Id.*
[40] 38 CFR ss. 14.632(a) & (b).

- Disclose, without the claimant's authorization, any information provided by VA for purposes of representation.
- Engage in any other unlawful or unethical conduct.[41]

In addition, in providing representation to a claimant before the VA, VA accredited attorneys may not engage in behavior or activities prohibited by the rules of professional conduct of any jurisdiction in which they are licensed to practice law.[42]

If the VA determines that an individual has violated the standards of conduct, the VA may suspend or cancel the individual's accreditation. The VA is authorized to report the suspension or cancellation to any bar association, court, or agency to which the individual is admitted. In addition, the VA may collaborate with state and federal enforcement authorities if it is suspected that an individual's actions may have implications under state or other federal laws.[43]

Background Screening

Florida provides standard procedures for screening a prospective employee[44] where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.[45] Chapter 435, F.S., establishes procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: level 1 and level 2.

- Level 1 screening includes, at a minimum, employment history checks, statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website,[46] and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.[47]
- Level 2 screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[48]

Public Law (Pub. L.) 92-544 authorizes the FBI to exchange criminal history record information with state and local governmental agencies' officials for licensing and employment purposes. Criteria established under Pub. L. 92-544 for state statutes seeking access to FBI criminal history record information for licensing and employment purposes are as follows:

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[41] 38 CFR s. 14.632(c).
[42] 38 CFR s. 14.632(d).
[43] U.S. Department of Veterans Affairs, *Office of General Counsel, Standards of Conduct for VA Accredited Attorneys, Agents, and Representatives, available at* https://www.va.gov/OGC/docs/Accred/StandardsofConduct.pdf (last visited March 28, 2025).
[44] Section 435.02(3), F.S., defines "employee" to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.
[45] Chapter 435, F.S.
[46] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, *available at* www.nsopw.gov (last visited March 28, 2025).
[47] Florida Department of Law Enforcement, *State of Florida Criminal History Records Check, available at* http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx (last visited March 28, 2025).
[48] Section 435.04, F.S.

- The statute must exist as a result of a legislative enactment;
- It must require the fingerprinting of applicants who are to be subjected to a national criminal history background check;
- It must, expressly ("submit to the FBI") or by implication ("submit for a national check"), authorize the use of FBI records for the screening of applicants;
- It must identify the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth;
- It must not be against public policy; and
- It may not authorize receipt of the criminal history record information by a private entity.

Pub. L. 92-544 requires state statutes to designate an authorized governmental agency to be responsible for receiving and screening the results of the criminal history record information to then determine an applicant's suitability for employment or licensing. For Level 2 screening, the FDLE is this state's authorized governmental agency given the responsibility to perform a criminal history record check of its records and request that the FBI perform a national criminal history record check of its records for each employee for whom the request is made.[49]

Florida law authorizes and outlines specific elements required for Level 1 and Level 2 background screenings and establishes requirements for determining whether an individual passes a screening regarding an individual's criminal history. All individuals subject to background screening must be confirmed to have not been arrested for and waiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent, and the record has not been sealed or expunged for, any of 52 offenses prohibited under Florida law, or similar law of another jurisdiction:[50]

- Section 39.205, F.S., relating to the failure to report child abuse, abandonment, or neglect.
- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 414.39, F.S., relating to fraud, if the offense was a felony.
- Section 415.111, F.S., relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing of an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 784.011, F.S., relating to assault, if the victim of the offense was a minor.
- Section 784.021, F.S., relating to aggravated assault.

[49] Chapter 435, F.S.
[50] Section 435.04(2), F.S.

- Section 784.03, F.S., relating to battery, if the victim of the offense was a minor.
- Section 784.045, F.S., relating to aggravated battery.
- Section 784.075, F.S., relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section 787.06, F.S., relating to human trafficking.
- Section 787.07, F.S., relating to human smuggling.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Section 794.08, F.S., relating to female genital mutilation.
- Chapter 796, F.S., relating to prostitution.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure and offenses against students by authority figures.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary.
- Section 810.14, F.S., relating to voyeurism, if the offense is a felony.
- Section 810.145, F.S., relating to digital voyeurism, if the offense is a felony.
- Chapter 812, F.S., relating to theft, robbery, and related crimes, if the offense is a felony.
- Section 817.563, F.S., relating to fraudulent sale of controlled substances, only if the offense was a felony.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section 825.103, F.S., relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.

- Section 831.311, F.S., relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- Section 836.10, F.S., relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter 847, F.S., relating to obscene literature.
- Section 859.01, F.S., relating to poisoning food or water.
- Section 873.01, F.S., relating to the prohibition on the purchase or sale of human organs and tissue.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional facility.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to contraband introduced into detention facilities.

Exemptions

Should a person be disqualified from employment due to failing a background screening, he or she may apply to the head of the appropriate agency for an exemption. Current law allows the head of the agency to exempt applicants from disqualification under certain circumstances including:

- Felonies for which at least 2 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
- Misdemeanors prohibited under any of the cited statutes or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- Findings of delinquency. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, this exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully

released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense.[51]

Receiving an exemption allows that individual to be employed in a profession or workplace where background screening is statutorily required despite the disqualifying offense in that person's past. Certain criminal backgrounds, however, render a person ineligible for an exemption; a person who is considered a sexual predator,[52] career offender,[53] or registered sexual offender[54] is not eligible for exemption.[55]

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

History and Purpose

The FDUTPA became law in 1973.[56] The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.[57] The FDUTPA is based on federal law, and specifically Section 5 of the Federal Trade Commission Act.[58]

The State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.[59] The Office of the State Attorney may enforce violations of the FDUTPA if the violations occur within its jurisdiction.[60] The Department of Legal Affairs has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.[61] Consumers may also file suit through private actions.[62]

Remedies under the FDUTPA

The Department of Legal Affairs and the State Attorney, as enforcing authorities, have available the following remedies:

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to $10,000 per willful violation.[63]

[51] Section 435.07(1)(a), F.S.
[52] Section 775.21, F.S.
[53] Section 775.261, F.S.
[54] Section 943.0435, F.S.
[55] Section 435.07(4)(b), F.S.
[56] Ch. 73-124, Laws of Fla.; codified at part II of ch. 501, F.S.
[57] Sections 501.202 and 501.203(8), F.S. Trade or commerce includes the advertising, soliciting, or providing of a good or service.
[58] 15 USC s. 45; s. 501.204(2), F.S.
[59] Sections 501.203(2), 501.206, and 501.207, F.S.
[60] Section 501.203(2), F.S.
[61] *Id*.
[62] Section 501.211, F.S.
[63] Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue.
Section 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation.
Section 501.2105, F.S.

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction if a person is aggrieved by a FDUTPA violation.
- Actual damages, attorney fees, and court costs if a person has suffered a loss due to a FDUTPA violation.[64]

Violations Involving a Military Servicemember

Section 501.2077, F.S., sets out penalties for violations of FDUTPA which involve a military servicemember or the spouse or dependent child of a military servicemember. A person who is willfully using, or has willfully used, a method, act, or practice in violation of FDUTPA directed at a military servicemember or the spouse or dependent child of a military servicemember is liable for a civil penalty of not more than $15,000 for each violation if the person knew or should have known that her or his conduct was unfair or deceptive. An order of restitution or reimbursement under this section takes priority over other civil penalties imposed under FDUPTA for other violations.

Federal Unfair and Deceptive Trade Practices

The Federal Trade Commission's (FTC) unfair and deceptive trade practices regulations prohibit unfair[65] or deceptive[66] acts or practices in or affecting commerce.[67] The FTC's regulations include "Truth In Advertising" guidelines, which require advertisements to be truthful, not misleading, and when appropriate, backed by scientific evidence.[68] To enforce these regulations, the FTC may take law enforcement action.[69]

III. Effect of Proposed Changes:

The bill amends s. 435.02, F.S., to include the FDVA in the definition of "specified agency" for purposes of conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

The bill creates s. 501.9741, F.S., assisting in veterans' benefits matters.

The bill defines the following terms:

- Compensation - payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.
- Provider - an entity or individual assisting veterans with veterans' benefits matters.

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[64] Section 501.211(1) and (2), F.S.
[65] A practice is "unfair" if it "causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition." 15 U.S.C. s. 45(n).
[66] A practice is "deceptive" if there is a "representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment." Federal Trade Commission, *FTC Policy Statement on Deception* (Oct. 14, 1983), *available at* https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf (last visited March 28, 2025).
[67] 15 U.S.C. s. 45(a)(1).
[68] Federal Trade Commission, *Truth In Advertising, available at* https://www.ftc.gov/news-events/media-resources/truth-advertising (last visited March 28, 2025).
[69] Federal Trade Commission, *Protecting Consumers, available at* https://www.ftc.gov/news-events/topics/truth-advertising/protecting-consumers (last visited March 28, 2025).

- Veteran - to have the same meaning as in s. 1.01(14), F.S., and include eligible peacetime service as defined in s. 296.02, F.S.
- Veterans' benefits matter - the preparation, presentation, or prosecution of a veteran's claim, or a claim by the veteran's spouse, dependent child, or any other individual eligible for any benefit, program, service, commodity, function, status, or entitlement under the laws and regulations administered by the FDVA or the VA.

Referral of a Veteran's Benefits Matter

The bill prohibits a person[70] from being compensated for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

Claims with After-Duty Presumptive Period

The bill authorizes a provider to receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the VA only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

Compensation for Advising, Assisting, or Consulting on a Veterans' Benefits Matter

A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement signed by both parties, which:

- Memorializes the specific terms under which the compensation will be determined.
- Provides that compensation for such services is contingent upon securing an increase in benefits awarded. The compensation cannot exceed the lesser of four times the amount of the monthly increase in benefits awarded based on the claim or $12,500.
- Provides the specific terms for how any compensation will be paid out.

A provider who advises, assists, or consults on veterans' benefits matters for compensation must provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

> This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here.

[70] Section 1.01(3), F.S., defines a "person" as including individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Further, the written disclosure must appear in a clearly legible font in at least 12-point type immediately above the signature line and must be signed by the individual to signify that he or she understands the oral and written disclosures' provisions. The provider must retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 6 years after the date on which the services provided under the agreement terminate.

Veteran Claimant Death

If a veteran claimant dies before a claim is processed:

- Any expected compensation must be waived and a charge, fee, or debt may not be collected; and
- Any payment plan for services rendered must be terminated immediately.

Prohibitions

The bill provides that a provider:

- May not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits.
- Who advises, assists, or consults on veterans' benefits matters for compensation:
  - May not charge an initial or nonrefundable fee or interest on any payment plan agreed to by the parties.
  - May not use an international call center or data center to directly solicit a veteran to enter into a business relationship with the provider or process a veteran's personal information;
  - May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information; and
  - May not employ a medical provider to conduct a secondary medical examination of the veteran.

Background Screening

A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for any offenses identified in ss. 408.809(4), F.S., or 435.04(2)(d), (e), or (oo) or (4), F.S., before entering into any agreement with a veteran for veterans' benefits matters. An individual must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053(13), F.S., which must forward the fingerprints to the FDLE for state processing. The FDVA must transmit the background screening results to the provider, which results must indicate whether an individual's background screening contains any of the offenses listed. The bill provides that fees for state and federal fingerprint processing must be borne by the provider or individual, and the state cost for fingerprint processing is as provided in s. 943.053(3)(e), F.S. It further provides that statutory language pertaining to the background screening process relating to veterans' benefits assistance matters does not imply endorsement, certification, or regulation of providers by the FDVA.

A violation of s. 501.9741, F.S., constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act. Violators may be subject to penalties provided under FDUPTA, including s. 501.2077, F.S., for violations against a military servicemember or his or her spouse or dependent child.

Documentation

A provider must provide copies of all fully executed documents to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years.

Complaint Process

If an individual to whom a provider provides services under this section in return for compensation files a complaint with the Consumer Protection Division of the Office of the Attorney General based on alleged absence of good faith as defined in s. 673.1031(1), F.S., and if such individual does not receive a monthly monetary increase as a direct result of such provider's services, the provider may not receive compensation for any services provided to such individual before the resolution of the complaint.

Construction

The bill provides that the newly created section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the FDVA or agents or attorneys accredited and regulated by the VA.

The bill takes effect upon becoming a law.

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:

The bill may have an indeterminate negative fiscal impact on a person seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter who is required to submit to a background screening pursuant to the bill's provisions.

The fiscal impact for an applicant who undergoes a fingerprint-based, state and national criminal history record check (i.e., level 2 background screening), is $36.[71]

There may be an indeterminate positive fiscal impact on any Livescan Service Provider due to additional fees they would charge for submitting a fingerprint-based criminal history record check for an applicant, if the applicant utilized such a service.[72]

C. Government Sector Impact:

To the extent that the bill creates a new violation of the FDUTPA, the Offices of the State Attorney and the Department of Legal Affairs may incur indeterminate enforcement costs.

If a state and national record check is conducted through the FDLE, the total fiscal revenue for the state portion of a state and national criminal history record check is $24, which goes into the FDLE's Operating Trust Fund. The number of individuals who would be screened under this bill is indeterminate.[73]

The impact of the bill on the FDLE does not appear to necessitate additional FTE and other resources; however, the bill, in combination with additional criminal history record check, could rise to the level of requiring additional staffing and other resources.[74]

The bill may have an indeterminate negative fiscal impact on the FDVA based on the number of background screening results they will be required to process and transmit to a provider.

VI. Technical Deficiencies:

According to the FDVA, for lines 96-99 of the bill, the language "appears to allow compensation to be paid to unaccredited individuals for advising, assisting, or consulting with veterans

[71] Florida Dep't of Law Enforcement, *Agency Analysis for SB 910* (March 3, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).
[72] *Id.*
[73] *Id.*
[74] *Id.*

regarding veterans' benefit matters, arguably in direct violation of federal law which provides that only accredited agents and attorneys may receive fees for their services in connection with representation under 38 CFR ss.14.636(a) and (b)."[75]

VII. Related Issues:

The FDVA General Counsel's Office review noted the following:

- "Nothing [is] included for licensing/regulation/competence provisions to ensure adequate representation of veterans."
- "Additional protections meant to ensure quality of representation provided by [the] VA accreditation process, and/or fiduciary responsibilities under attorney engagement agreements, powers of attorney and agency agreements could be undermined by recognizing this type of representation."[76]

VIII. Statutes Affected:

The bill substantially amends section 435.02 of the Florida Statutes.

The bill creates section 501.9741 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 April 8, 2025:

- Adds the FDVA to the definition of "specified agency" for purposes of conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.
- Reduces the maximum allowable compensation level for advising, assisting, or consulting with an individual regarding any veterans' benefits matter to the lesser of four times the amount of the monthly increase in benefits awarded based on the claim or $12,500.
- Requires the written disclosure must appear immediately above the signature line of an agreement.
- Increases the retention period of a copy of the written disclosure by a provider from 1 year to 6 years after the date on which the services provided under the agreement terminate.
- Requires a provider to maintain a copy of all fully executed documents for 6 years.
- Prohibits a provider from using an international call center or data center to directly solicit a veteran to enter into a business relationship with the provider.
- Prohibits a provider from employing a medical provider to conduct a secondary medical examination of the veteran.

[75] Florida Dep't of Veterans' Affairs, *Agency Analysis for SB 910* (March 12, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).
[76] *Id*.

- Clarifies that a provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for specific offenses.
- Provides the process for an individual to submit fingerprints for the background screening.
- Provides that the FDVA must transmit background screening results to the provider and indicate if the screening contains any of the specified offenses.
- Requires that fees for state and federal fingerprint processing must be borne by the provider or individual and the state cost for fingerprint processing is as provided by law.
- Provides that the statutory language pertaining to the background screening process relating to veterans' benefits assistance matters does not imply endorsement, certification, or regulation of providers by the FDVA.
- Provides that a veteran who receives services from a provider may only file a complaint with the Consumer Protection Division of the Office of the Attorney General based on alleged absence of good faith, and only if such veteran does not receive a monthly monetary increase as direct result of such provider's services.

CS by Military and Veterans Affairs, Space, and Domestic Security on March 18, 2025:

- Provides a definition for a "provider" to mean an entity or individual assisting veterans with veterans' benefits matters.
- Revises the definition for veteran to have the same meaning as in s. 1.01(14), F.S., and includes eligible peacetime service as defined in s.296.02, F.S.
- Clarifies that compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must be as a direct result of services provided, and may not exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or $12,500.
- Provides that the written disclosure which must be provided to an individual seeking services must also be provided orally.
- Clarifies that a provider must undergo a level 2 background screening as described in s. 435.04, F.S., before entering into any agreement with a veteran for veterans' benefits matters.
- Provides that copies of all fully executed documents required by the bill for a veteran to be assisted in veterans' benefits matters must be maintained for 6 years and in accordance with the requirements of rule 5-1(f), of the rules regulating The Florida Bar.
- Provides that if an individual to whom a provider provides services in return for compensation files a complaint with the Consumer Protection Division of the Office of the Attorney General, the provider may not receive compensation for any services provided to such an individual before the resolution of the complaint.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/08/2025	.	
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The Committee on Rules (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (7) of section 435.02, Florida Statutes, is amended to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(7) "Specified agency" means the Department of Health, the Department of Children and Families, the Agency for Health Care Administration, the Department of Elderly Affairs, the

Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Education, the Department of Veterans' Affairs, each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, alternative schools under s. 1008.341, regional workforce boards providing services as defined in s. 445.002(3), and local licensing agencies approved pursuant to s. 402.307, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Section 2. Section 501.9741, Florida Statutes, is created to read:

501.9741 Assisting in veterans' benefits matters.—

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

(a) "Compensation" means payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.

(b) "Provider" means an entity or individual assisting veterans with veterans' benefits matters.

(c) "Veteran" has the same meaning as in s. 1.01(14) and includes eligible peacetime service as defined in s. 296.02.

(d) "Veterans' benefits matter" means the preparation, presentation, or prosecution of a veteran's claim, or a claim by the veteran's spouse, dependent child, or any other individual

eligible for any benefit, program, service, commodity, function, status, or entitlement under the laws and regulations administered by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

(2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN DISCLOSURE.—

(a) A person may not receive compensation for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

(b) A provider may receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the United States Department of Veterans Affairs only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

(c) A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement, signed by both parties, which:

1. Memorializes the specific terms under which the compensation will be determined; and

2. Provides that compensation for such services is contingent upon securing an increase in benefits awarded as a direct result of such services. Any such compensation may not exceed the lesser of four times the amount of the monthly increase in benefits awarded based on the claim or $12,500, and must be paid out according to the specific terms agreed to by both parties in accordance with subparagraph 1.

(d)1. A provider who advises, assists, or consults on veterans' benefits matters for compensation shall provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here.

2. The written disclosure must appear in a clearly legible font in at least 12-point type immediately above the signature line and must be signed by the individual to signify that he or she understands the oral and written disclosures' provisions. The provider shall retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 6 years after the date on which the services provided under the agreement terminate.

(e) A provider who advises, assists, or consults on a

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veterans' benefits matter may not charge an initial or nonrefundable fee. Any charge for interest on any payment plan agreed to by the parties is prohibited.

(3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies before a claim is processed:

(a) Any expected compensation must be waived and a charge, fee, or debt may not be collected; and

(b) Any payment plan for services rendered must be terminated immediately.

(4) PROHIBITIONS.—

(a) A provider may not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits.

(b) A provider who advises, assists, or consults on veterans' benefits matters for compensation:

1. May not use an international call center or data center to directly solicit a veteran to enter into a business relationship with the provider or process a veteran's personal information.

2. May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

3. May not employ a medical provider to conduct a secondary medical examination of the veteran.

(5) BACKGROUND SCREENING.—A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for any offenses identified in in ss. 408.809(4) and

891766

435.04(2)(d), (e), and (oo) and (4) before entering into any agreement with a veteran for veterans' benefits matters. An individual must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053(13), which shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Veterans' Affairs shall transmit the background screening results to the provider, which results must indicate whether an individual's background screening contains any of the offenses listed in this subsection. Fees for state and federal fingerprint processing must be borne by the provider or individual. The state cost for fingerprint processing is as provided in s. 943.053(3)(e). This subsection does not imply endorsement, certification, or regulation of providers by the Florida Department of Veterans' Affairs.

(6) DOCUMENTATION.—A provider must provide copies of all fully executed documents required by subsection (2) to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years and in accordance with the requirements of rule 5-1(f) of the rules regulating The Florida Bar.

(7) COMPLAINT.—If a veteran who receives services from a provider under this section in return for compensation files a complaint with the Consumer Protection Division of the Office of the Attorney General based on alleged absence of good faith as defined in s. 673.1031(1), and if such veteran does not receive a monthly monetary increase as direct result of such provider's services, the provider may not receive compensation for any services provided to such an individual before the resolution of

the complaint.

(8) PENALTIES.—A violation of this section constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of this chapter. Violators may be subject to penalties provided in that part, including s. 501.2077 for violations against a military servicemember or his or her spouse or dependent child.

(9) CONSTRUCTION.—This section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the Department of Veterans' Affairs or agents or attorneys accredited by the United States Department of Veterans Affairs and regulated by that agency.

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

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to veterans' benefits assistance; amending s. 435.02, F.S.; revising the definition of the term "specified agency"; creating s. 501.9741, F.S.; defining terms; prohibiting a person from receiving compensation for referring an individual to a provider for advising, assisting, or consulting on any veterans' benefits matter; authorizing a provider to receive compensation only for services rendered during a specified period under certain circumstances; requiring that, before such services are rendered, a

written agreement, which must include specified information, be signed by both parties; requiring that persons who advise, assist, or consult on veterans' benefits matters for compensation provide a specified oral and written disclosure before entering into a business relationship with a client; providing requirements for such disclosure; prohibiting a provider who advises, assists, or consults on veterans' benefits matters from charging certain fees; prohibiting the charging of interest on payment plans; providing requirements in the event of the death of a veteran claimant; prohibiting certain guarantees; prohibiting a provider who advises, assists, or consults on veterans' benefits matters for compensation from taking certain actions; requiring a provider to ensure that individuals who directly assist a veteran in a veterans' benefits matter complete a specified background screening before entering into an agreement with a veteran for veterans' benefits matters; providing requirements; providing construction; requiring a provider to provide copies of certain documents to the veteran and maintain a copy of such documents pursuant to specified provisions; prohibiting a person who provides services from receiving compensation under certain circumstances and until certain conditions are met; providing that a violation is a deceptive and unfair trade practice which may be subject to specified penalties; providing construction; providing

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an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Collins) recommended the following:

Senate Substitute for Amendment (891766) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 435.02, Florida Statutes, is amended to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(7) "Specified agency" means the Department of Health, the Department of Children and Families, the Agency for Health Care

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Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Education, the Department of Veterans' Affairs, each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, alternative schools under s. 1008.341, regional workforce boards providing services as defined in s. 445.002(3), and local licensing agencies approved pursuant to s. 402.307, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Section 2. Section 501.9741, Florida Statutes, is created to read:

501.9741 Assisting in veterans' benefits matters.—

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

(a) "Compensation" means payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.

(b) "Provider" means an entity or individual assisting veterans with veterans' benefits matters.

(c) "Veteran" has the same meaning as in s. 1.01(14) and includes eligible peacetime service as defined in s. 296.02.

(d) "Veterans' benefits matter" means the preparation, presentation, or prosecution of a veteran's claim, or a claim by

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the veteran's spouse, dependent child, or any other individual eligible for any benefit, program, service, commodity, function, status, or entitlement under the laws and regulations administered by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

(2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN DISCLOSURE.—

(a) A person may not receive compensation for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

(b) A provider may receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the United States Department of Veterans Affairs only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

(c) A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement, signed by both parties, which:

1. Memorializes the specific terms under which the compensation will be determined; and

2. Provides that compensation for such services is contingent upon securing an increase in benefits awarded as a direct result of such services. Any such compensation may not exceed the lesser of four times the amount of the monthly increase in benefits awarded based on the claim or $12,500, and must be paid out according to the specific terms agreed to by

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both parties in accordance with subparagraph 1.

(d)1. A provider who advises, assists, or consults on veterans' benefits matters for compensation shall provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here.

2. The written disclosure must appear in a clearly legible font in at least 12-point type immediately above the signature line and must be signed by the individual to signify that he or she understands the oral and written disclosures' provisions. The provider shall retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 6 years after the date on which the services provided under the agreement terminate.

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(e) A provider who advises, assists, or consults on a veterans' benefits matter may not charge an initial or nonrefundable fee. Any charge for interest on any payment plan agreed to by the parties is prohibited.

(3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies before a claim is processed:

(a) Any expected compensation must be waived and a charge, fee, or debt may not be collected; and

(b) Any payment plan for services rendered must be terminated immediately.

(4) PROHIBITIONS.—

(a) A provider may not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits.

(b) A provider who advises, assists, or consults on veterans' benefits matters for compensation:

1. May not use an international call center or data center to directly solicit a veteran to enter into a business relationship with the provider or process a veteran's personal information.

2. May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

3. May not employ a medical provider to conduct a secondary medical examination of the veteran.

(5) BACKGROUND SCREENING.—A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that

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screens for any offenses identified in ss. 408.809(4) or 435.04(2)(d), (e), or (oo) or (4) before entering into any agreement with a veteran for veterans' benefits matters. An individual must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053(13), which shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Veterans' Affairs shall transmit the background screening results to the provider, which results must indicate whether an individual's background screening contains any of the offenses listed in this subsection. Fees for state and federal fingerprint processing must be borne by the provider or individual. The state cost for fingerprint processing is as provided in s. 943.053(3)(e). This subsection does not imply endorsement, certification, or regulation of providers by the Florida Department of Veterans' Affairs.

(6) DOCUMENTATION.—A provider must provide copies of all fully executed documents required by subsection (2) to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years.

(7) COMPLAINT.—If a veteran who receives services from a provider under this section in return for compensation files a complaint with the Consumer Protection Division of the Office of the Attorney General based on alleged absence of good faith as defined in s. 673.1031(1), and if such veteran does not receive a monthly monetary increase as a direct result of such provider's services, the provider may not receive compensation for any services provided to such individual before the resolution of the complaint.

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(8) PENALTIES.—A violation of this section constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of this chapter. Violators may be subject to penalties provided in that part, including s. 501.2077 for violations against a military servicemember or his or her spouse or dependent child.

(9) CONSTRUCTION.—This section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the Department of Veterans' Affairs or agents or attorneys accredited by the United States Department of Veterans Affairs and regulated by that agency.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to veterans' benefits assistance; amending s. 435.02, F.S.; revising the definition of the term "specified agency"; creating s. 501.9741, F.S.; defining terms; prohibiting a person from receiving compensation for referring an individual to a provider for advising, assisting, or consulting on any veterans' benefits matter; authorizing a provider to receive compensation only for services rendered during a specified period under certain circumstances; requiring that, before such services are rendered, a written agreement, which must include specified

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information, be signed by both parties; requiring that persons who advise, assist, or consult on veterans' benefits matters for compensation provide a specified oral and written disclosure before entering into a business relationship with a client; providing requirements for such disclosure; prohibiting a provider who advises, assists, or consults on veterans' benefits matters from charging certain fees; prohibiting the charging of interest on payment plans; providing requirements in the event of the death of a veteran claimant; prohibiting certain guarantees; prohibiting a provider who advises, assists, or consults on veterans' benefits matters for compensation from taking certain actions; requiring a provider to ensure that individuals who directly assist a veteran in a veterans' benefits matter complete a specified background screening before entering into an agreement with a veteran for veterans' benefits matters; providing requirements for such screening; providing construction; requiring a provider to provide copies of certain documents to the veteran and maintain a copy of such documents; prohibiting a person who provides services from receiving compensation under certain circumstances and until certain conditions are met; providing that a violation is a deceptive and unfair trade practice that may be subject to specified penalties; providing construction; providing an effective date.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Collins

583-02561-25 2025910c1

A bill to be entitled

An act relating to veterans' benefits assistance; creating s. 501.9741, F.S.; defining terms; prohibiting a person from receiving compensation for referring an individual to another person for advising, assisting, or consulting on veterans' benefits matters; authorizing compensation for services rendered during a specified period only under certain circumstances; requiring that, before such services are rendered, a written agreement, which must include specified information, be signed by both parties; requiring that persons who advise, assist, or consult on veterans' benefits matters for compensation provide a specified oral and written disclosure before entering into a business relationship with a client; prohibiting a provider who advises, assists, or consults on veterans' benefits matters from charging certain fees; prohibiting the charging of interest on payment plans; providing requirements in the event of the death of a veteran claimant; prohibiting certain guarantees; providing security requirements for the handling of a veteran's personal and account information; requiring a provider to successfully complete a specified background screening before entering into an agreement with a veteran for veterans' benefits matters; requiring a provider to provide copies of certain documents to the veteran and maintain a copy of such documents pursuant to specified provisions; prohibiting a person who

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

583-02561-25 2025910c1

provides services from receiving compensation before the resolution of a certain complaint if the individual receiving services files such a complaint; providing that a violation is a deceptive and unfair trade practice which may be subject to specified penalties; providing construction; providing an effective date.

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

Section 1. Section 501.9741, Florida Statutes, is created to read:

501.9741 Assisting in veterans' benefits matters.—

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

(a) "Compensation" means payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.

(b) "Provider" means an entity or individual assisting veterans with veterans' benefits matters.

(c) "Veteran" has the same meaning as in s. 1.01(14) and includes eligible peacetime service as defined in s. 296.02.

(d) "Veterans' benefits matter" means the preparation, presentation, or prosecution of a veteran's claim, or a claim by the veteran's spouse, dependent child, or any other individual eligible for any benefit, program, service, commodity, function, status, or entitlement under the laws and regulations administered by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

(2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN

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

DISCLOSURE.—

(a) A person may not receive compensation for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

(b) A provider may receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the United States Department of Veterans Affairs only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

(c) A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement, signed by both parties, which:

1. Memorializes the specific terms under which the compensation will be determined; and

2. Provides that compensation for such services is contingent upon securing an increase in benefits awarded as a direct result of such services. Any such compensation may not exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or $12,500, and must be paid out according to the specific terms agreed to by both parties in accordance with subparagraph 1.

(d)1. A provider who advises, assists, or consults on veterans' benefits matters for compensation shall provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

"This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here."

2. The written disclosure must appear in a font size of at least 12 points in an easily identifiable place in the provider's agreement with the individual seeking services and must be signed by the individual to signify that he or she understands the oral and written disclosure's provisions. The provider must retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 1 year after the date on which the service relations terminate.

(e) A provider who advises, assists, or consults on a veterans' benefits matter may not charge an initial or nonrefundable fee. Any charge for interest on any payment plan agreed to by the parties is prohibited.

(3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies

before a claim is processed:

(a) Any expected compensation must be waived and a charge, fee, or debt may not be collected; and

(b) Any payment plan for services rendered must be terminated immediately.

(4) PROHIBITIONS.—

(a) A provider may not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits.

(b) A provider who advises, assists, or consults on veterans' benefits matters for compensation:

1. May not use an international call center or data center to process a veteran's personal information.

2. May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

(5) BACKGROUND SCREENING.—A provider must successfully complete a level 2 background screening as described in s. 435.04 before entering into any agreement with a veteran for veterans' benefits matters.

(6) DOCUMENTATION.—A provider must provide copies of all fully executed documents required by subsection (2) to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years and in accordance with the requirements of rule 5-1(f) of the rules regulating The Florida Bar.

(7) COMPLAINT.—If an individual to whom a provider provides services under this section in return for compensation files a

complaint with the Consumer Protection Division of the Office of the Attorney General, the provider may not receive compensation for any services provided to such an individual before the resolution of the complaint.

(8) PENALTIES.—A violation of this section constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of this chapter. Violators may be subject to penalties provided in that part, including s. 501.2077 for violations against a military servicemember or his or her spouse or dependent child.

(9) CONSTRUCTION.—This section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the Department of Veterans' Affairs or agents or attorneys accredited by the United States Department of Veterans Affairs and regulated by that agency.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 31, 2025

I respectfully request that **Senate Bill #910**, relating to Veterans' Benefits Assistance, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

S-020 (03/2004)

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 940
INTRODUCER:	Regulated Industries Committee and Senator McClain
SUBJECT:	Third-party Reservation Platforms
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.	Dike	McKay	CM	**Favorable**
3.	Oxamendi	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 940 prohibits a third-party reservation platform (platform) from listing, advertising, promoting, or selling reservations for a public food service establishment through a platform's website, mobile application, or other Internet service without the platform having a contractual relationship or agreement with the food service establishment, or its contractual designee, to offer or arrange for reservations for on-premises service at such public food service establishment.

The bill defines the term "third-party reservation platform" to mean any website, mobile application, or other Internet service that:

- Offers or arranges for reservations for on-premises service for a customer at a food service establishment;
- Is owned and operated by a person other than the owner of the public food service establishment; and
- Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

The bill excludes from the definition of "third-party reservation platform" the contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food

service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is authorized by the bill to impose a civil penalty on a platform of up to $1,000 for each violation of the prohibition, or of a division rule implementing the prohibition. Under the bill, violations may accrue on a daily basis for each day and each reservation for each food service establishment in which there has been a violation.

The effective date of the bill is July 1, 2025.

II. Present Situation:

Division of Hotels and Restaurants

The division is charged with enforcing the laws relating to the inspection and regulation of public food service establishments for the purpose of protecting the public health, safety, and welfare.[1]

Public Food Service Establishments

A "public food service establishment" is defined as:

> …any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.[2]

There are several exclusions from the definition of public food service establishment, including:

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve events such as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests;
- Any eating place located on an airplane, train, bus, or watercraft which is a common carrier;
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families;
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12, F.S.;
- Any vending machine that dispenses any food or beverage other than potentially hazardous food;
- Any place of business serving only ice, beverages, popcorn, and prepackaged items;

[1] Section 509.032, F.S.
[2] Section 509.013(5)(a), F.S.

- Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters; and
- Any research and development test kitchen limited to use by employees and not open to the general public.[3]

The regulation of public food service establishments is preempted to the state.[4]

Third-Party Reservation Platforms

A third-party reservation platform is a service offered via the Internet or a mobile application through which a public food service establishment, e.g., a restaurant, or other establishment that accepts reservations, may allow patrons to schedule reservations. The reselling of reservations by third parties has historically been an issue within the restaurant industry. Recently, third-party websites and bots[5] have worsened the problem and have led to situations in which reservations do not sell or patrons do not appear at the appointed time for a reservation, which results in lost sales for the public lodging establishment and the loss of income for service workers. Reservations through third-party platforms have been known to use fake names, which can cause confusion for the businesses.[6]

Third-party reservation platforms are not currently regulated by the State of Florida.

In 2024, the New York State Assembly passed a bill to prohibit third-party restaurant reservation services from arranging unauthorized restaurant reservations with food service establishments. The law, which became effective February 17, 2025, prohibits third-party reservation services from listing or selling reservations on a website or mobile application without a written agreement with the restaurant to include its reservations with the service. The law provides civil penalties of up to $1,000 per violation per day.[7]

III. Effect of Proposed Changes:

The bill creates s. 509.105, F.S., to prohibit platforms from listing, advertising, promoting, or selling reservations for a public food service establishment through a platform's website, mobile application, or other Internet service without the platform having a contractual relationship or agreement with the food service establishment, or its contractual designee, to offer or arrange for reservations for on-premises service at such public food service establishment.

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[3] Section 509.013(5)(b), F.S.
[4] Section 509.032(7), F.S.
[5] Merriam Webster Dictionary, defining the term "bot" to mean "a computer program that performs automatic repetitive tasks," https://www.merriam-webster.com/dictionary/bot (last visited Mar. 28, 2025).
[6] Gothamist, *New York law aims to kill 'black market' for restaurant reservations*, https://gothamist.com/news/new-york-law-aims-to-kill-black-market-for-restaurant-reservations (last visited Mar. 28, 2025); and New York Post, Third-party apps offering hard-to-get NYC restaurant reservations fuming over Hochul crackdown, https://nypost.com/2025/02/25/business/third-party-apps-offering-hard-to-get-nyc-restaurant-reservations-fuming-over-hochul-crackdown/ (last visited Mar. 28, 2025).
[7] NY Assembly Bill A10215A (2024); available at: https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A10215a&term=2023&Summary=Y&Actions=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y&Memo=Y&Text=Y&LFIN=Y&Chamber%26nbspVideo%2FTranscript=Y (last visited Mar. 28, 2025).

The bill defines the term "third-party reservation platform" to mean any website, mobile application, or other Internet service that:

- Offers or arranges for reservations for on-premises service for a customer at a food service establishment;
- Is owned and operated by a person other than the owner of the public food service establishment; and
- Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

The bill excludes from the definition of "third-party reservation platform" the contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

The bill authorizes the division to impose a civil penalty on a platform of up to $1,000 for each violation of the prohibition in s. 509.104, F.S., or of a division rule implementing that section. Under the bill, violations may accrue on a daily basis for each day and each reservation for each food service establishment in which there has been a violation.

The effective date of the bill is 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DBPR anticipates an indeterminate increase in fines collected for non-compliance with the requirements of the bill. The division may need additional compliance and legal staff to address non-compliance. However, the department anticipates a minimal, indeterminate increase in expenditure. If the division pursues administrative complaints against third-party reservation platforms, the division may require additional staff to investigate and gather the necessary evidence because the cases cannot be resolved via inspection.[8]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 509.105 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 by Regulated Industries on March 19, 2025:
The committee substitute:

- Changes the title to an act relating to "third-party reservation platforms" from an act relating to "third-party restaurant reservation platforms";
- Provides that the act may be cited to as the "Restaurant Reservation Anti-Piracy Act";
- Removes from the bill the definition for the term "food service establishment" and uses the term "public food service establishment" which is a term that is defined under current law in ch. 509, F.S.;

[8] Department of Business and Professional Regulation, *2025 Agency Legislative Bill Analysis for HB 543* (Feb. 13, 2025) (on file with the Senate Regulated Industries Committee).

- Changes the term "third-party restaurant reservation platform" to "third-party reservation platform";
- Expands the definition for "third-party reservation platform" to include those platforms that do not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service; and
- Excludes from the definition of "third-party reservation platform" the contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

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 Committee on Regulated Industries; and Senator McClain

580-02617-25 2025940c1

A bill to be entitled

An act relating to third-party reservation platforms; providing a short title; creating s. 509.105, F.S.; defining the term "third-party reservation platform"; specifying that a third-party reservation platform does not include certain contractual designees; prohibiting a third-party reservation platform from listing, advertising, promoting, selling, or otherwise enabling a reservation at a public food service establishment; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose a civil penalty not to exceed a specified amount for a violation of the act or of a division rule; providing a schedule and requirements for the accrual of such violations; providing an effective date.

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

Section 1. This act may be cited to as the "Restaurant Reservation Anti-Piracy Act."

Section 2. Section 509.105, Florida Statutes, is created to read:

509.105 Third-party reservation platforms prohibited.—

(1) As used in this section, the term "third-party reservation platform" means a website, mobile application, or other Internet service that satisfies all of the following:

(a) Offers or arranges for a reservation at a public food service establishment for on-premises service.

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

580-02617-25 2025940c1

(b) Is owned and operated by a person other than the owner of the public food service establishment.

(c) Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

(2) A third-party reservation platform does not include a contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

(3) A third-party reservation platform may not list, advertise, promote, facilitate, sell, or otherwise enable a reservation at a public food service establishment.

(4) The division may impose a civil penalty on a third-party reservation platform in an amount not to exceed $1,000 for each violation of this section or of a division rule. Violations under this subsection shall accrue on a daily basis for each day and each reservation for each food service establishment in which there has been a violation of this section or rules of the division.

Section 3. This act shall take effect July 1, 2025.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #940**, relating to Third Party Reservation Platforms, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

SB 940
Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone (850) 224.2250

Address 230 S. Adams Street
Street

Email Spadgett@FRLA.org

Tallahassee FL 32301
City State Zip

Speaking: [X] For [ ] Against [ ] Information **OR** Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: Florida Restaurant & Lodging Assoc.

[ ] 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

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Senate professional staff conducting the meeting

4/8/25
Meeting Date

Rules
Committee

S. 940
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Pierce

Phone 813.777.5578

Address 113 E. College Ave
Street

Email ron@teamrsa.com

TLH 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: Booking Holdings

☐ 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

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 952
INTRODUCER:	Senator Ingoglia and others
SUBJECT:	Restrictions on Firearms and Ammunition During Emergencies
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Favorable**
2.	Shuler	Fleming	CA	**Favorable**
3.	Cellon	Yeatman	RC	**Favorable**

I. Summary:

SB 952 repeals s. 870.044, F.S., which provides that when a county sheriff or a city official declares a local state of emergency due to their belief of a clear and present danger of a riot, public disorder, disobedience, and substantial injury to persons or property, a person may not:

- Sell or offer to sell firearms or ammunition;
- Intentionally display firearms or ammunition in a store or shop; or
- Intentionally possess a firearm in a public place unless he or she is an authorized law enforcement official or person in military service acting in the official performance of her or his duty.

The bill also repeals the provision in section 870.044, F.S., which provides that nothing in ch. 870, F.S., may be construed to authorize the seizure, taking, or confiscation of lawfully possessed firearms unless the person is engaged in a criminal act.

There is no fiscal impact from the bill.

The bill takes effect upon becoming a law.

II. Present Situation:

State Emergency Management Act

The State Emergency Management Act, ch. 252, F.S., was enacted to be the legal framework for this state's overall approach to activities related to the management of emergencies of all types. The State Emergency Management Act delineates the Governor's authority to declare a state of emergency, issue executive orders, and otherwise lead the state during emergencies. If the

Governor finds that an emergency[1] has occurred or is imminent, he or she must declare a state of emergency.[2] In the event of an emergency beyond local control, the Governor may assume direct operational control over all or any part of the emergency management functions within this state and is authorized to delegate such powers as she or he may deem prudent.[3]

Under the State Emergency Management Act, the Governor has the specific authority to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.[4] However, nothing contained in the State Emergency Management Act or the Florida Emergency Planning and Community Right-to-Know Act (ss. 252.31-252.90, F.S.) may be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.[5]

Emergency Management - Counties and Municipalities

The responsibilities and powers of counties and municipalities in response to emergencies are specified by the State Emergency Management Act. The Act provides specific authorization and emergency powers to counties and municipalities, including the requirement for each county (municipalities are encouraged) to develop a county emergency management plan consistent with the state comprehensive emergency management plan.[6]

Counties and municipalities have the authority under the State Emergency Management Act to declare a state of local emergency in the event of an emergency affecting only one county or municipality for the purpose of requesting state assistance or invoking emergency-related mutual-aid assistance.[7] Such a declaration may only last 7 days, and may be extended in 7-day increments as necessary.[8]

Affrays; Riots; Routs; Unlawful Assemblies

Chapter 870, F.S., provides for the authority of officials to react in the event of unlawful assemblies, riots, and other such public acts or threats of violence. The designation of local officials with the authority to declare local emergencies under the chapter differs for unincorporated areas and municipalities. For unincorporated areas, section 870.042, F.S., empowers a county sheriff, or other official having the duties of the sheriff, to declare that a state of emergency exists within those unincorporated areas and to exercise the emergency powers conferred in ss. 870.041-870.047, F.S.[9]

[1] Under the State Emergency Management Act, the term "emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. *See* s. 252.34(4), F.S.
[2] Section 252.36(2), F.S.
[3] Section 252.36(1)(a), F.S.
[4] Section 252.36(6)(h), F.S.
[5] *Id.*
[6] Sections 252.38(1)(a) and (2), F.S.
[7] Section 252.38(3)(a)5., F.S.
[8] *Id.*
[9] Section 870.042(1), F.S.

For municipalities, the governing body of any municipality may designate by an ordinance a city official who will be empowered to declare that a state of emergency exists within the boundaries of the municipality and to exercise the emergency powers conferred in ss. 870.041-870.047, F.S. The designated city official will be either the mayor or chief of police or the person who performs the duties of a mayor or chief of police in the municipality. In the absence of an ordinance designating the official to act, the chief of police of the municipality is designated as the city official to assume the duties and powers set forth in the statute.[10]

Sections 870.041-870.047, F.S., specify the parameters within which local officials may declare emergencies locally and may act under the chapter. These provisions include:

- The general authority of local officers to declare an emergency locally in the event of acts or threats of violence.[11]
- The designation of the local official with the authority to declare a local emergency under the chapter.[12]
- The circumstances under which a local official may declare a local emergency.[13]
- Acts automatically prohibited when a locally-declared state of emergency under the chapter exists[14]
- Limitations and conditions that public officials have the authority to promulgate when a locally-declared state of emergency under the chapter exists.[15]
- Requirements for filing and publishing notice of the locally-declared state of emergency.[16]
- Limits on the duration of locally-declared states of emergency and requirements for extensions.[17]

The specific conditions that authorize the sheriff or designated city official to declare a state of emergency are provided in s. 870.043, F.S. Under the section, whenever the sheriff or designated city official determines that there has been an act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority and that, on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitute an imminent threat to public peace or order and to the general welfare of the jurisdiction affected or a part or parts thereof, he or she may declare that a state of emergency exists within that jurisdiction or any part or parts thereof.[18]

Local officials also have the more general authority pursuant to s. 870.041 to declare a state of emergency in the event of overt acts, or the imminent threat, of violence within the county or municipality and the Governor has not declared a state of emergency.

[10] Section 870.042(2), F.S.
[11] Section 870.041, F.S.
[12] Section 870.042, F.S.
[13] Section 870.043, F.S.
[14] Section 870.044, F.S.
[15] Section 870.045, F.S.
[16] Section 870.046, F.S.
[17] Section 870.047, F.S.
[18] Section 870.043, F.S.

Section 870.044, F.S., prohibits the following acts, throughout the specified jurisdiction, during a state of emergency declared by a sheriff or designated city official pursuant to the conditions of violence and disorder specified in s. 870.043, F.S.:[19]

- The sale of, or offer to sell, with or without consideration, any ammunition or gun or other firearm of any size or description.
- The intentional display, after the emergency is declared, by or in any store or shop of any ammunition or gun or other firearm of any size or description.
- The intentional possession in a public place of a firearm by any person, except an authorized law enforcement official or person in military service acting in the official performance of her or his duty.[20]

Section 870.044, F.S., also specifies that nothing contained in ch. 870, F.S., may be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in a criminal act.

Under s. 790.01, F.S., it is not unlawful for a person to carry a concealed weapon or a concealed firearm while in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S., or declared by a local authority pursuant to ch. 870, F.S.[21]

III. Effect of Proposed Changes:

The bill repeals s. 870.044, F.S., which prohibits a person from selling or offering to sell firearms or ammunition, intentionally displaying firearms or ammunition in a store or shop, or intentionally possessing a firearm in a public place during a local state of emergency declared pursuant to the conditions of violence and disorder specified in s. 870.043, F.S., unless he or she is an authorized law enforcement official or person in military service acting in the official performance of her or his duty.

The bill also repeals the provision of s. 870.044, F.S., which provides that nothing in ch. 870, F.S., may be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in a criminal act.

The bill takes effect upon becoming a law.

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.

[19] Section 870.043, F.S.
[20] Section 870.044, F.S.
[21] Section 790.01(5), F.S.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals the following section of the Florida Statutes: 870.044.

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.

By Senator Ingoglia

11-00242-25 2025952__

A bill to be entitled

An act relating to restrictions on firearms and ammunition during emergencies; repealing s. 870.044, F.S., relating to specified automatic restrictions on firearms and ammunition during certain declared emergencies; providing an effective date.

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

Section 1. Section 870.044, Florida Statutes, is repealed.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Transportation, Tourism, and Economic Development
Fiscal Policy
Regulated Industries
Rules

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR BLAISE INGOGLIA
11th District

April 2nd, 2025

The Honorable Kathleen Passidomo, Chair
Rules Committee
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 952 Restrictions on Firearms and Ammunition During Emergencies

President Passidomo,

Senate Bill 952 has been referred to the Rules Committee as its final committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

Blaise Ingoglia
State Senator, District 11

CC'd: Tom Yeatman, Shasta Kruse, Cynthia Futch

REPLY TO:
❒ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
❒ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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4-8-2025
Meeting Date

Rules
Committee

SB952
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jed Carroll

Phone 703-321-8585

Address 8001 Forbes Pl. Suite 202
Street

Email jed.carroll@gunowners.org

Springfield VA. 22151
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:
GunOwners of America

☐ 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

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April 8, 2025
Meeting Date

Rules
Committee

SB 952
Bill Number or Topic

Amendment Barcode (if applicable)

Name Luis Valdes

Phone 703-321-8585

Address 8001 Forbes Place Suite 202
Street

Email Luis.Valdes@gunowners.org

Springfield VA 22151
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:
Gun Owners of America

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

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4/8/25
Meeting Date

Rules
Committee

SB 952
Bill Number or Topic

Amendment Barcode (if applicable)

Name KELBY SEANOR

Phone 703-254-7439

Address 11250 Waples Mill Rd.
Street

Email Kseanor@nrahq.org

Fairfax VA 22030
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: NATIONAL RIFLE ASSOCIATION (NRA)

☐ 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

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 1002
INTRODUCER:	Rules Committee; Senators Truenow and Trumbull
SUBJECT:	Utility Service Restrictions
DATE:	April 9, 2025
REVISED:	3/12/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Schrader	Imhof	RI	**Favorable**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1002 expands the preemption over utility service restrictions to include boards, agencies, commissions, and authorities of counties and municipal corporations. Preempted entities cannot restrict or prohibit the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain utilities.

The bill nullifies any existing charter, resolution, ordinance, rule, code, or policy from the included entities which conflict with this preemption and which existed before or on July 1, 2021.

The bill also prohibits the Florida Building Commission or State Fire Marshal from adopting into the Florida Building Code or Florida Fire Prevention Code any prohibition that prohibits or requires the installation of multiple types or fuel sources of energy production.

The bill takes effect July 1, 2025.

II. Present Situation:

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by

general or special law.[1] Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.[2] Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[3]

Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.[4]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[5] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[6] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[7]

In cases determining the validity of ordinances in violation of state preemption, the effect has been to find such ordinances null and void.[8] In one case, the court stated that implied preemption "is actually a decision by the courts to create preemption in the absence of an explicit legislative directive."[9] Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.[10] Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.[11]

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[1] FLA. CONST. art. VIII, s. 1(f).
[2] FLA. CONST. art. VIII, s. 1(g).
[3] FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.
[4] *See* James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Mar. 28, 2025).
[5] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).
[6] *Mulligan*, 934 So. 2d at 1243.
[7] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010). Examples of activities "expressly preempted to the state" include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.
[8] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So. 2d 504 (Fla. 3d DCA 2002).
[9] *Phantom of Clearwater, Inc.*, 894 So. 2d at 1019.
[10] *Id*.
[11] *Sarasota Alliance for Fair Elections, Inc.*, 28 So. 3d at 886.

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[12] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[13] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[14]

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid[15] and may order the addition or repair of infrastructure as necessary.[16] The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities[17] (called "public utilities" under ch. 366, F.S.).[18] However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.[19] Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

Municipal Electric and Gas Utilities, and Special Gas Districts, in Florida

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.[20] Florida also has 27 municipally-owned gas utilities and four special gas districts.[21]

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[12] Section 350.001, F.S.
[13] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Mar. 28, 2025).
[14] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Mar. 28, 2025).
[15] Section 366.04(5) and (6), F.S.
[16] Section 366.05(1) and (8), F.S.
[17] Section 366.05, F.S.
[18] Section 366.02(8), F.S.
[19] Florida Public Service Commission, *About the PSC*, *supra* note 14**Error! Bookmark not defined.**.
[20] Florida Municipal Electric Association, *About Us*, https://www.flpublicpower.com/about-us (last visited Mar. 28, 2025).
[21] Florida Public Service Commission, *2024 Facts and Figures of the Florida Utility Industry*, pg. 1 & 13, Apr. 2024 (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202024.pdf). A "special gas district" is a dependent or independent special district, set up pursuant to ch. 189, F.S., to provide natural gas service. Section 189.012(6), F.S., defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."

Rural Electric Cooperatives in Florida

At present, Florida has 18 rural electric cooperatives, with 16 of these cooperatives being distribution cooperatives and two being generation and transmission cooperatives.[22] These cooperatives operate in 57 of Florida's 67 counties and have more than 2.7 million customers.[23] Florida rural electric cooperatives serve a large percentage of area, but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land mass. Each cooperative is governed by a board of cooperative members elected by the cooperative's membership.[24]

Preemption over Utility Service Restrictions

Section 366.032, F.S., provides that "a municipality, county, special district, development district, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied" by the following:[25]

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Category I liquefied petroleum gas dealers, category II liquefied petroleum gas dispensers, or category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01, F.S.

Section 366.032(2), F.S., also prohibits (except to enforce the Florida Building Code and Florida Fire Prevention Code) a municipality, county, special district, development district, or other political subdivision of the state from restricting or prohibiting the use of an appliance using the fuels or energy types used, delivered, converted, or supplied by the entities above.

The section also provides that it acts retroactively to any provision that existed before its enactment in 2021.

III. Effect of Proposed Changes:

The bill amends s. 366.032, F.S., to expand the preemption over utility service restrictions to include boards, agencies, commissions, and authorities of counties and municipal corporations. Preempted entities cannot restrict or prohibit the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain utilities.

[22] Florida Electric Cooperative Association, *Members*, https://feca.com/members/ (last visited Mar. 28, 2025).
[23] Florida Electric Cooperative Association, *Our History*, https://feca.com/our-history/ (last visited Mar 28, 2025).
[24] *Id.*
[25] To the extent of serving the customers they are authorized to serve.

The bill also prohibits the Florida Building Commission or State Fire Marshal from adopting into the Florida Building Code or Florida Fire Prevention Code any prohibition that prohibits or requires the installation of multiple types or fuel sources of energy production. "Installation" is specified to include the materials, products, appliances, and methods of construction associated with such installation. Emergency and standby power systems required by the section are exempt from this provision.

The bill provides that the term "agency" does not include a legal entity created pursuant to interlocal agreement which does not provide utilities to end consumers and whose membership consists only of electric utilities.

The bill nullifies any existing charter, resolution, ordinance, rule, code, or policy from the included entities which conflict with this preemption and which existed before or on July 1, 2021.

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:

The bill may have an indeterminate effect on public and cooperative utilities to the extent that it voids any restrictions or prohibitions imposed by preempted entities on the types or

the fuel sources of energy production which a utility may use, deliver, convert, or supply to its customers.

C. Government Sector Impact:

The bill may have an indeterminate effect on municipal utilities to the extent that it voids any restrictions or prohibitions imposed by preempted entities on the types or the fuel sources of energy production which a utility may use, deliver, convert, or supply to its customers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The provision relating to the Building Code and Fire Prevention Code refers to "the installation of multiple types or fuel sources of energy production which may be used… for powering appliances." The phrasing suggests that the energy production itself is being installed. If the intent is to reach situations where the codes might prohibit or require a structure to be outfitted to accept two different types of energy (for example, municipal electric and separate gas power), the sentence might be more clearly fashioned.

The same provision exempts "emergency power systems and standby power systems required by this section." Section 366.032, F.S., does not require any such systems.

VIII. Statutes Affected:

This bill substantially amends section 366.032 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 by Rules on April 8, 2025:
The committee substitute:

- Prohibits the Florida Building Commission or State Fire Marshal from adopting any provision that prohibits or requires the installation of multiple types or fuel sources of energy production for powering appliances. Emergency and standby power systems are exempted from the prohibition; and
- Provides that an entity created by interlocal agreement is not an "agency" for the purpose of the bill.

B. Amendments:

None.

246776

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Truenow) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 42 - 67

and insert:

(2)(a) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality; a~~,~~ county; a~~,~~ special district; a board, an agency, a commission, or an authority of a county, municipal corporation, or~~,~~ community development district created pursuant to chapter 190;~~,~~ or other political subdivision of the state may

246776

not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(b) The Florida Building Commission or State Fire Marshal may not adopt into the Florida Building Code or the Florida Fire Prevention Code any provision that prohibits or requires, or has the effect of prohibiting or requiring, the installation of multiple types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1) for powering appliances. As used in this paragraph, the term "installation" includes the materials, products, appliances, and methods of construction associated with such installation. Emergency power systems and standby power systems required by this section are exempt.

(5) Any charter, resolution, ordinance, rule, code, policy, or action of any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision, or of any board, agency, commission, or authority of such governmental entity, which ~~charter, resolution, ordinance, rule, code, policy, or action that~~ is preempted by this act and which ~~that~~ existed before or on July 1, 2021, is void.

246776

(6) For purposes of this section, the term "agency" does not apply to a separate legal entity that is created under s. 163.01, that does not provide utility services to consumers, and whose membership consists only of electric utilities.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:

Delete line 18

and insert:

366.032, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:

Delete lines 11 - 12

and insert:

prohibiting the Florida Building Commission or the State Fire Marshal from adopting into the Florida Building Code or Florida Fire Prevention Code any provision that prohibits or requires the installation of multiple types or fuel sources of energy production which may be used for certain purposes; defining the term "installation"; providing an exemption; voiding existing specified documents and policies from governmental entities that are preempted by the act; providing applicability; defining the term "agency";

By Senator Truenow

13-01855A-25 20251002__

A bill to be entitled

An act relating to utility service restrictions; amending s. 366.032, F.S.; including boards, agencies, commissions, and authorities of counties, municipal corporations, or other political subdivisions of the state with the entities preempted from taking certain actions that restrict, prohibit, or have the effect of restricting or prohibiting the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain entities to serve customers; voiding existing specified documents and policies from governmental entities that are preempted by the act; providing an effective date.

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

Section 1. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality; a ~~,~~ county; a ~~,~~ special district; a board, an agency, a commission, or an authority of a county, a municipal corporation, or other political subdivision of the state; a ~~,~~ community development district created pursuant to chapter 190; ~~,~~ or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied by any of the following entities to serve customers

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

13-01855A-25 20251002__

that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter. ~~;~~

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy. ~~;~~

(c) A natural gas utility as defined in s. 366.04(3)(c). ~~;~~

(d) A natural gas transmission company as defined in s. 368.103. ~~; or~~

(e) A Category I liquefied petroleum gas dealer, a ~~or~~ Category II liquefied petroleum gas dispenser, or a Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality; a ~~,~~ county; a ~~,~~ special district; a board, an agency, a commission, or an authority of a county, a municipal corporation, or other political subdivision of the state; a ~~,~~ community development district created pursuant to chapter 190; ~~,~~ or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term “appliance” means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code

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

provides specific requirements.

(5) Any charter, resolution, ordinance, rule, code, policy, or action of any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision, or any board, agency, commission, or authority of such governmental entity which ~~charter, resolution, ordinance, rule, code, policy, or action that~~ is preempted by this act and which ~~that~~ existed before or on July 1, 2021, is void.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

April 2, 2025

The Honorable Kathleen Passidomo
400 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request SB 1002 Utility Service Restrictions be placed on the next Rules Committee Meeting agenda.

This good bill expands the preemption over utility service restrictions to include boards, agencies, commissions, and authorities of counties and municipal corporations. Preempted entities cannot restrict or prohibit the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain utilities.

The bill nullifies any existing charter, resolution, ordinance, rule, code, or policy from the included entities which conflict with this preemption and which existed before or on July 1, 2021

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

cc: Tom Yeatman Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
❒ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
❒ 16207 State Road 50, Suite 401, Clermont, Florida 34711
❒ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

1002
Bill Number or Topic

246776
Amendment Barcode (if applicable)

Name Dale Calhoun

Phone 8506810496

Address PO Box 11026
Street

Email dale.calhoun@floridagas.org

Tallahassee FL 32302
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 Natural Gas Association
Florida Propane Gas 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

1002
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dale Calhoun

Phone 8506810496

Address PO Box 11026
Street

Email dale.calhoun@floridagas.org

Tallahassee FL 32302
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 Natural Gas Association
Florida Propane Gas 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. 2020-2022JointRules.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
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4/8/25
Meeting Date

Rules
Committee

SB 1002
Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Haddis

Phone

Address 2937 SW 27th Ave Suite 301

Email shaddis@cleoinstitute.org

Street

Miami FL 33133

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 CLEO 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

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 1132
INTRODUCER:	Agriculture Committee; Commerce and Tourism Committee and Senator Truenow
SUBJECT:	Consumers' Right to Repair Certain Equipment
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	**Fav/CS**
2.	Becker	Becker	AG	**Fav/CS**
3.	Dike	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1132 creates the Portable Wireless Device Repair Act, which requires manufacturers of portable wireless devices purchased or used in this state to make documentation, parts, and tools available to owners and independent repair providers. The bill also provides civil remedies for a violation of this Act, and remedies and penalties under the Florida Deceptive and Unfair Trade Practices Act.

Additionally, the bill creates the Agricultural Equipment Fair Repair Act, requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners. Original equipment manufacturers are prohibited from excluding certain information concerning security-related functions. Additionally, a civil penalty may be collected from any original equipment manufacturer who is found to be in violation.

The bill takes effect on July 1, 2025.

II. Present Situation:

Right to Repair Laws

In recent years, state legislatures across the country have been contemplating "right to repair" laws, requiring manufacturers to share repair information and tools so that consumers may repair

their products more easily and less costly.[1] This type of legislation is founded on the idea that consumers should be able to choose how to repair their products.[2] Advocates are concerned due to the amount of products that are utilizing computer chips and advanced technology, which are becoming increasingly difficult to repair without sending the entire product back to the manufacturer.[3] Many products, ranging from cars and appliances to wheelchairs, use proprietary tools and parts.[4] Manufacturers may decline to publish documents necessary for a third party or consumer to repair.[5] The policy objectives of these laws are to ensure customers have access to manuals, schematics, and software updates, as well as diagnostic tools needed to service the product themselves.[6] Moreover, proponents of digital right to repair legislation are concerned about reducing repair costs for consumers, minimizing electronic waste in landfills, and increasing the longevity of products.[7]

While there is a push for this type of legislation, manufacturers are concerned about electronic privacy and preservation of intellectual property.[8] Technological advances in electronic equipment, such as fitness monitors, home security devices, and smart home appliances, have led to consumer data being collected at a higher volume.[9] Opponents of right to repair legislation are worried that proprietary access to tools and information needed to repair these electronic products may undermine consumers' digital privacy, as diagnostic tools may provide access to an entire device and improper repair can disable security features.[10] Additionally, there is a concern that unrestricted access into product software design may compromise intellectual property protections.[11] If proprietary knowledge is embedded in the products they sell, some manufacturers worry that trade secrets will become public knowledge when required to disclose digital locks and other information.[12]

Smartphone Repair and Prevalence

Cell phone repair is intentionally limited by manufacturers who do not wish to share proprietary information on their electronic products.[13] As such, consumers with broken devices are limited to disposing the phone and purchasing a new one; mailing the phone back to the manufacturer to be

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[1] Luyi Wang, et al., HARV. BUS. REV., *Research: The Unintended Consequences of Right-to-Repair Laws*, available at https://hbr.org/2023/01/research-the-unintended-consequences-of-right-to-repair-laws (last visited Mar. 24, 2025).
[2] Mike Serra, *Looking Under the Hood on the Right to Repair*, 101 MICH. B.J. 34 (May 2022), available at https://www.michbar.org/journal/Details/Looking-under-the-hood-on-the-right-to-repair?ArticleID=4428 (last visited Mar. 24, 2025).
[3] Thorin Klosowski, *What You Should Know About Right to Repair*, available at https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/ (last visited Mar. 24, 2025).
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] Brian T. Yeh, CONG. RSCH. SERV., *Repair, Modification, or Resale of Software-Enabled Consumer Electronic Devices: Copyright Law Issues*, https://crsreports.congress.gov/product/pdf/R/R44590/3 (last visited Mar. 24, 2025).
[8] Ike Brannon, CATO INST., *A Criticism of Right to Repair Laws*, available at https://www.cato.org/regulation/spring-2024/criticism-right-repair-laws (last visited Mar. 24, 2025).
[9] *See id.*
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] *See* Elaine S. Povich, *Pandemic Drives Phone, Computer 'Right-to-Repair' Bills*, available at https://stateline.org/2021/03/11/pandemic-drives-phone-computer-right-to-repair-bills/ (last visited Mar. 24, 2025).

repaired; attempting to repair the phone themselves; or seeking out an independent repair provider.[14] If the consumer mails their cell phone to a manufacturer, it could take weeks to receive the fixed product back.[15] If the consumer would rather spend their money locally, they also face barriers—many small repair shops cannot fix older digital devices due to manufacturer restrictions.[16]

Currently, over 98% of Americans own a cellphone, and nine out of ten of all cell phone owners have a smartphone.[17] Smartphones are not only prevalent but necessary for many people, as 15% of U.S. adults only access the internet from their smartphone because they do not subscribe to a home broadband service.[18] The majority of those smartphone-dependent users are young adults and the elderly.[19] Moreover, smartphone dependency most greatly affects people who make less than $30,000 per year.[20]

Agricultural Equipment Repair

Farmers face similar barriers when attempting to repair agricultural equipment.[21] As it stands, only a handful of authorized dealerships have access to the necessary diagnostic tools to fix farming equipment.[22] Without the necessary software to diagnose problems, farmers must ship their equipment to the closest authorized dealership for repair.[23] With lengthy transport times and wait times for repairs, "farmers can lose tens or even hundreds of thousands of dollars in potential yields."[24]

Currently, at least sixteen states legislatures have introduced agricultural right to repair bills, alongside attempts to pass a national right to repair law.[25] In response to the surge of legislation attempting to resolve this issue,[26] the American Farm Bureau Federation (AFBF) has signed two memorandums of understanding (MOU) with equipment manufacturers. In January 2023, AFBF and John Deere signed a MOU to ensure farmers' rights to repair their own farm equipment.[27]

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[14] Yeh, *supra* note 7.
[15] Povich, *supra* note 13.
[16] Povich, *supra* note 13.
[17] PEW RSCH. CTR., *Mobile Fact Sheet*, available at https://www.pewresearch.org/internet/fact-sheet/mobile/ (last visited Mar. 24, 2025).
[18] *Id.*
[19] *Id.*
[20] *Id.*; *see also* FED. TRADE COMM'N, *Nixing the Fix: An FTC Report to Congress on Repair Restrictions*, available at https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf?ref=cecna-io (last visited Mar. 10, 2025) ("This smartphone dependency makes repair restrictions on smartphones more likely to affect these communities adversely.").
[21] Jesse Bedayn, AP NEWS, *11 States Consider 'Right to Repair' for Farming Equipment*, available at https://apnews.com/article/farm-equipment-repairs-d5ea466725328d965a85a62130503d49 (last visited Mar. 24, 2025).
[22] Farm Action, *Right to Repair Campaign*, available at https://farmaction.us/righttorepair/ (last visited Mar. 24, 2025).
[23] *Id.*
[24] *Id.*
[25] Kevin O'Reilly, PIRG, *16 states consider tractor Right to Repair bills in 2023*, available at https://pirg.org/articles/tractor-right-repair-states-2023/ (last visited Mar. 24, 2025); *see, e.g.*, H.R. 5604, 118th Cong. (2023).
[26] Bedayn, *supra* note 21; *see also* Jennifer Bamberg, *John Deere faces lawsuit as lawmakers introduce right-to-repair bills*, available at https://investigatemidwest.org/2025/03/05/john-deere-faces-lawsuit-as-lawmakers-introduce-right-to-repair-bills/ (last visited Mar. 14, 2025).
[27] Memorandum of Understanding between the American Farm Bureau Federation and John Deere (Jan. 8, 2023), available at https://www.fb.org/files/AFBF_John_Deere_MOU.pdf (last visited Mar. 10, 2025).

The agreement ensures farmers have access to manuals, seminars, on-board diagnostics, software, and other publications with information on service, parts, operation, and safety under fair and reasonable terms.[28] In March 2023, the AFBF signed a MOU with Case IH and New Holland to provide similar access to tools and manuals so that farmers can repair their own equipment.[29]

Despite the MOUs, farmers' grievances have not been alleviated. In February 2025, the Federal Trade Commission (FTC) filed a lawsuit against John Deere over unfair manufacturer policies that create a monopoly in the repair market and inflate farmers' repair costs.[30] The complaint alleges that John Deere is able to raise prices, reduce output, and degrade quality in the market for large tractors and combines in the U.S.[31] Even with the MOU, farmers and independent repair providers must pay John Deere $3,160 for a one-year subscription to the necessary software to diagnose and fix their tractors and combines.[32] The complaint alleges access to repair is still impaired, as this software has a degraded functionality compared to the separate software available to authorized dealerships.[33] The FTC's complaint illustrates the problems that have yet to be overcome regarding tractor and combine repair.

III. Effect of Proposed Changes:

Digital Right to Repair

Requirements

Section 7 creates s. 559.976, F.S., providing that this part applies to portable wireless devices[34] sold or in use on or after July 1, 2025, except for such devices approved by the U.S. Food and Drug Administration, security or life-safety systems and devices, or manufacturers of security or life-safety systems and devices.

[28] *Id*.
[29] Memorandum of Understanding between the American Farm Bureau Federation and CNH Industrial America LLC (Mar. 9, 2023), available at https://www.fb.org/files/MOU-R2R-CNH-3.9.23-Fully-Executed.pdf (last visited Mar. 24, 2025).
[30] Complaint of Plaintiff, *Fed. Trade Comm'n v. Deere*, Case No. 3:25-cv-50017 (N.D. Ill. filed Feb. 7, 2025), available at https://www.wisdoj.gov/PressReleases/0044%202025.02.07%20Amended%20Compl.%20-%20John%20Deere.pdf (last visited Mar. 24, 2025).
[31] *Id*. at 1-4.
[32] *Id*. at 12.
[33] *Id*. at 14-16.
[34] "Portable wireless device" means a product that includes a battery, microphone, speaker, and display designed to send and receive transmissions though a cellular radio-telephone service.

Section 4 creates s. 559.973, F.S., mandating that a manufacturer[35] must make documentation,[36] parts,[37] and tools[38] available to owners[39] and independent repair providers[40] on fair and reasonable terms.[41] Manufacturers are not required to provide parts that are no longer available. Additionally, a manufacturer that sells diagnostic, service, or repair information to third parties in a standard format may not require an authorized repair provider[42] to continue purchasing diagnostic, service, or repair information in a proprietary format, unless otherwise specified.

Enforcement

Section 5 creates s. 559.974, F.S., requiring that an independent repair provider or owner who believes that the manufacturer failed to provide documentation, parts, or tools for diagnosis, maintenance, or repair, must notify the manufacturer in writing of this failure. The manufacturer has 30 days following receipt of notice to correct the failure. If the manufacturer responds to the notice and corrects the failure within 30 days of notice, damages in any subsequent litigation are limited to actual damages.

If the manufacturer does not respond to the notice or corrects the failure unsatisfactorily, the owner or independent repair provider may file a complaint in a specified circuit court. The complaint must include:

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[35] "Manufacturer" means an individual or a business that sells, leases, or otherwise supplies new portable wireless devices, or parts of new portable wireless devices, manufactured by or on behalf of the individual or business to another individual or business.

[36] "Documentation" means a manual, a diagram, a reporting output, a service code description, a schematic, a security code or a password, or any other information used in the diagnosis, maintenance, or repair of portable wireless devices.

[37] "Part" means any replacement component made available by or to a manufacturer for the purpose of maintaining or repairing portable wireless devices manufactured by or on behalf of, sold by, or otherwise supplied by the manufacturer.

[38] "Tool" means any software program, hardware implement, or other apparatus used for diagnosing, maintaining, or repairing portable wireless devices, including software or other mechanisms that program or repair a part, calibrate functionality, or perform any other function required to bring portable wireless devices back to fully functional condition.

[39] "Owner" means an individual or a business that lawfully acquires a portable wireless device purchased or used in this state.

[40] "Independent repair provider" means an individual or a business that does not have an arrangement with a manufacturer as an authorized repair provider and that is not affiliated with any other individual or business that has such an arrangement with the manufacturer when that individual or business diagnoses, maintains, or repairs portable wireless devices. The term includes a manufacturer or an independent repair provider that diagnoses, maintains, or repairs portable wireless devices that are not manufactured by or on behalf of, or sold or otherwise supplied by, the manufacturer.

[41] "Fair and reasonable terms," for purposes of obtaining a part, a tool, or documentation, means costs and terms that are equivalent to the most favorable costs and terms under which the manufacturer offers the part, tool, or documentation to an authorized repair provider, accounting for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive or preference that the manufacturer offers to an authorized repair provider or any additional cost, burden, or impediment that the manufacturer imposes on an owner or independent repair provider. For documentation, including any relevant updates, the term also means at no charge, except that, when the documentation is requested in printed form, a charge may be included for the reasonable actual costs of preparing and mailing the documentation.

[42] "Authorized repair provider" means an individual or a business that is unaffiliated with the manufacturer and has an arrangement with the manufacturer under which the manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the diagnosis, maintenance, or repair of portable wireless devices under the name of the manufacturer, or any other arrangement with the manufacturer to offer services on behalf of the manufacturer. A manufacturer that offers the services of diagnosis, maintenance, or repair of portable wireless devices manufactured by the manufacturer or on the manufacturer's behalf, or sold or otherwise supplied by the manufacturer, and that does not do so exclusively through one or more arrangements as described in this subsection with an unaffiliated individual or business, is deemed to be an authorized repair provider of portable wireless devices.

- Written information confirming that the independent repair provider has attempted to acquire and use, through the then-available standard support function provided by the manufacturer, relevant documentation, parts, and tools, including communicating with customer assistance; and
- Evidence of the owner or independent repair provider's written notification to the manufacturer.

Additionally, violations of this bill are punishable under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), ss. 501.201-501.213, F.S. It is unlawful under the FDUTPA for a party to take part in "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts of practices in the conduct of any trade or commerce."[43] Such practices include fraudulent billing,[44] misleading a consumer or misrepresenting a product's characteristics,[45] or other behavior determined to be unfair by a court.[46] Under the FDUTPA, the office of the state attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate violations of the FDUTPA.[47] In addition to other remedies under state and federal law, the enforcing authority may bring actions for declaratory judgment, injunctive relief, actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties up to $10,000 per violation.[48] Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief when the consumer is aggrieved by a FDUTPA violation; or
- Actual damages, attorney fees, and court costs, when the consumer has suffered a loss due to the FDUTPA violation.[49]

Limitations

Section 6 creates s. 559.975, F.S., providing that this bill does not require:

- A manufacturer to divulge a trade secret,[50] except when necessary to provide required materials on fair and reasonable terms.
- A manufacturer or an authorized repair provider to provide an owner or independent repair provider access to nondiagnostic and nonrepair information which was provided by the manufacturer to the authorized repair provider.

Other Provisions

Section 1 creates Part XIV of ch. 559, F.S., "Digital Right to Repair."

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[43] Section 501.204, F.S.
[44] *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).
[45] *Lewis v. Mercedes-Benz USA, LLC*, 530 F. Supp. 3d 1183 (S.D. Fla. 2021); *Marty v. Anheuser-Busch Companies, LLC*, 43 F. Supp. 3d 1333 (S.D. Fla. 2014).
[46] *See Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).
[47] The enforcing authority under the FDUTPA may "administer oaths and affirmations, subpoena witnesses or matter, and collect evidence." Section 501.206, F.S.
[48] Sections 501.207, 501.2077, 501.2075, 501.208, F.S.
[49] Sections 501.2105, 501.211, F.S.
[50] "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Section 2 creates s. 559.971, F.S., providing that this part may be cited as the Portable Wireless Device Repair Act.

Section 3 creates s. 559.972, F.S., defining terms used throughout the bill.

The Agricultural Equipment Fair Repair Act

Requirements

Section 8 creates s. 686.35, F.S., requiring original equipment manufacturers[51] (OEM) to provide diagnostic and repair documentation, including updates and corrections to embedded software,[52] to any independent repair provider[53] or owner[54] of equipment[55] manufactured by the OEM. Such information must be available free of charge or provided to an independent repair provider or owner in the same manner that the OEM would divulge such information to an authorized repair provider.

Additionally, the OEM may not exclude any diagnostic, service, and repair information necessary to reset a security-related electronic function on equipment manufactured by the OEM which is sold or used in this state to provide security-related functions. If such information is excluded under this bill, the necessary documentation to reset an immobilizer system or security-related electronic module must be made available through the appropriate secure data release system.

Exclusions

The bill explicitly does not:

- Require a manufacturer to divulge a trade secret.[56]

[51] "Original equipment manufacturer" means a person or business that, in the ordinary course of business, is engaged in the selling or leasing of new equipment to a person or business and is engaged in the diagnosis, service, maintenance, or repair of such equipment.

[52] "Embedded software" means any programmable instructions provided on firmware delivered with equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer for this purpose. The term includes, but is not limited to, a basic internal operating system, an internal operating system, machine code, assembly code, robot code, or microcode.

[53] "Independent repair provider" means a person or business operating in this state which is not affiliated with an original equipment manufacturer or an original equipment manufacturer's authorized repair provider and which is engaged in the diagnosis, service, maintenance, or repair of equipment. However, an original equipment manufacturer meets the definition of an independent repair provider if such original equipment manufacturer engages in the diagnosis, service, maintenance, or repair of equipment that is not affiliated with the original equipment manufacturer.

[54] "Owner" means a person or business that owns or leases a digital electronic product purchased or used in this state.

[55] "Equipment" means digital electronic equipment, or a part for such equipment, which is originally manufactured for farm equipment, including combines, tractors, implements, self-propelled equipment, and related attachments and implements, and which is manufactured for distribution and sale in this state.

[56] "Trade secret" means anything, whether tangible or intangible or electronically stored or kept, which constitutes, represents, evidences, or records intellectual property, including secret or confidentially held designs, processes, procedures, formulas, inventions, or improvements or secret or confidentially held scientific, technical, merchandising, production, financial, business, or management information. The term also includes any other trade secret as defined in 18 99 U.S.C. s. 1839.

- Interfere with terms of an agreement between the OEM and an authorized repair provider,[57] except for any provision within the agreement that waives, avoids, restricts, or limits and OEM's compliance with the terms defined within this bill.
- Require that OEMs or authorized repair providers give an owner or independent repair provider access to non-diagnostic and repair documentation provided by an OEM to an authorized repair provider pursuant the terms of an authorized repair agreement.

Civil Penalty

An OEM that violates this section is liable for a civil penalty of up to $500 per violation.

Effective Date

Section 9 creates 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[57] "Authorized Repair Provider" means an individual or entity that has an arrangement for a definite or indefinite period in which an original equipment manufacturer grants to a separate individual or entity a license to use a trade name, service mark, or related characteristic for the purpose of offering repair services under the name of the original equipment manufacturer.

B. Private Sector Impact:

Indeterminate. Manufacturers may have to adjust costs due to making repair information and tools available to customers. Repair costs may be affected by increased competition for independent repair providers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 559.971, 559.976, 559.972, 559.973, 559.974, 559.975, 686.35.

IX. Additional Information:

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

CS/CS by Agriculture on March 25, 2025:
The committee substitute specifies that the bill does not apply to security or life-safety systems and devices or manufacturers of security or life-safety systems and devices. It also removes an exception for motor vehicle manufacturers, any product or service of a motor vehicle manufacturer, or motor vehicle dealers.

CS by Commerce and Tourism on March 10, 2025:
The committee substitute creates the Agricultural Equipment Fair Repair Act, requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners. Original equipment manufacturers are prohibited from excluding certain information concerning security-related functions. Additionally, a civil penalty may be collected from any original equipment manufacturer who is found to be in violation.

B. Amendments:

None.

By the Committees on Agriculture; and Commerce and Tourism; and Senator Truenow

575-02815-25 20251132c2

A bill to be entitled

An act relating to consumers' right to repair certain equipment; providing a directive to the Division of Law Revision; creating s. 559.971, F.S.; providing a short title; creating s. 559.972, F.S.; defining terms; creating s. 559.973, F.S.; requiring portable wireless device manufacturers to make certain items available to device owners and independent repair providers; prohibiting certain manufacturers from requiring authorized repair providers to continue purchasing certain information in a proprietary format; providing an exception; creating s. 559.974, F.S.; providing for enforcement; providing for damages; providing that a complaint may be filed in circuit court under certain circumstances; providing requirements for such complaint; providing that a violation is a deceptive and unfair trade practice; creating s. 559.975, F.S.; providing construction; creating s. 559.976, F.S.; providing applicability; creating s. 686.35, F.S.; defining terms; requiring original equipment manufacturers of agricultural equipment to make certain diagnostic and repair information available for no charge and in a certain manner to independent repair providers and owners; prohibiting original equipment manufacturers from excluding certain information concerning security-related functions; providing construction; providing civil liability; providing an effective date.

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

575-02815-25 20251132c2

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

Section 1. The Division of Law Revision is directed to create part XIV of chapter 559, Florida Statutes, consisting of ss. 559.971-559.976, Florida Statutes, to be entitled "Digital Right to Repair."

Section 2. Section 559.971, Florida Statutes, is created to read:

559.971 Short title.—This part may be cited as the "Portable Wireless Device Repair Act."

Section 3. Section 559.972, Florida Statutes, is created to read:

559.972 Definitions.—As used in this act, the term:

(1) "Authorized repair provider" means an individual or a business that is unaffiliated with the manufacturer and has an arrangement with the manufacturer under which the manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the diagnosis, maintenance, or repair of portable wireless devices under the name of the manufacturer, or any other arrangement with the manufacturer to offer services on behalf of the manufacturer. A manufacturer that offers the services of diagnosis, maintenance, or repair of portable wireless devices manufactured by the manufacturer or on the manufacturer's behalf, or sold or otherwise supplied by the manufacturer, and that does not do so exclusively through one or more arrangements as described in this subsection with an unaffiliated individual or business, is deemed to be an authorized repair provider of portable wireless devices.

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

(2) "Documentation" means a manual, a diagram, a reporting output, a service code description, a schematic, a security code or a password, or any other information used in the diagnosis, maintenance, or repair of portable wireless devices.

(3) "Fair and reasonable terms," for purposes of obtaining a part, a tool, or documentation, means costs and terms that are equivalent to the most favorable costs and terms under which the manufacturer offers the part, tool, or documentation to an authorized repair provider, accounting for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive or preference that the manufacturer offers to an authorized repair provider or any additional cost, burden, or impediment that the manufacturer imposes on an owner or independent repair provider. For documentation, including any relevant updates, the term also means at no charge, except that, when the documentation is requested in print form, a charge may be included for the reasonable actual costs of preparing and mailing the documentation.

(4) "Independent repair provider" means an individual or a business that does not have an arrangement with a manufacturer as an authorized repair provider and that is not affiliated with any other individual or business that has such an arrangement with the manufacturer when that individual or business diagnoses, maintains, or repairs portable wireless devices. The term includes a manufacturer or an independent repair provider that diagnoses, maintains, or repairs portable wireless devices that are not manufactured by or on behalf of, or sold or otherwise supplied by, the manufacturer.

(5) "Manufacturer" means an individual or a business that sells, leases, or otherwise supplies new portable wireless devices, or parts of new portable wireless devices, manufactured by or on behalf of the individual or business to another individual or business.

(6) "Owner" means an individual or a business that lawfully acquires a portable wireless device purchased or used in this state.

(7) "Part" means any replacement component made available by or to a manufacturer for the purpose of maintaining or repairing portable wireless devices manufactured by or on behalf of, sold by, or otherwise supplied by the manufacturer.

(8) "Portable wireless device" means a product that includes a battery, microphone, speaker, and display designed to send and receive transmissions through a cellular radio-telephone service.

(9) "Tool" means any software program, hardware implement, or other apparatus used for diagnosing, maintaining, or repairing portable wireless devices, including software or other mechanisms that program or repair a part, calibrate functionality, or perform any other function required to bring portable wireless devices back to fully functional condition.

(10) "Trade secret" has the same meaning as in s. 688.002.

Section 4. Section 559.973, Florida Statutes, is created to read:

559.973 Requirements.—

(1) A manufacturer must make available to an owner of a portable wireless device, and to an independent repair provider of such device, on fair and reasonable terms, documentation,

parts, and tools, inclusive of any updates, for diagnosing, maintaining, or repairing such device. This subsection does not require a manufacturer to provide a part that is no longer available to the manufacturer.

(2) A manufacturer that sells diagnostic, service, or repair information to an independent repair provider or any other third-party provider in a format that is standardized with other manufacturers, and in a manner and on terms and conditions more favorable than the manner and terms and conditions pursuant to which an authorized repair provider obtains the same diagnostic, service, or repair information, may not require an authorized repair provider to continue purchasing diagnostic, service, or repair information in a proprietary format, unless such proprietary format includes diagnostic, service, repair, or dealership operations information or functionality that is not available in such standardized format.

Section 5. Section 559.974, Florida Statutes, is created to read:

559.974 Enforcement.—

(1)(a) An independent repair provider or owner who believes that a manufacturer has failed to provide documentation, parts, or tools for diagnosing, maintaining, or repairing a portable wireless device, as required by this part, must notify the manufacturer, in writing and give the manufacturer 30 days following receipt of notice to cure the failure. If the manufacturer responds to the notice and cures the failure within the cure period, damages are limited to actual damages in any subsequent litigation.

(b) If a manufacturer fails to respond to the notice

provided under paragraph (a), or if an independent repair provider or owner is not satisfied with the manufacturer's cure, the independent repair provider or owner may file a complaint in the circuit court of the county in which the independent repair provider has his, her, or its principal place of business or in which the owner resides. The complaint must include the following:

1. Written information confirming that the independent repair provider or owner has attempted to acquire and use, through the then-available standard support function provided by the manufacturer, relevant documentation, parts, and tools, including communicating with customer assistance.

2. Evidence of manufacturer notification as required by paragraph (a).

(2) In addition to the remedy provided under subsection (1), a violation of this part is a deceptive and unfair trade practice under the Florida Deceptive and Unfair Trade Practices Act. All remedies, penalties, and authority granted to the enforcing authority by that act are available for the enforcement of this part.

Section 6. Section 559.975, Florida Statutes, is created to read:

559.975 Limitations.—

(1) This part does not require a manufacturer to divulge a trade secret, except as necessary to provide documentation, parts, and tools on fair and reasonable terms.

(2) This part does not require a manufacturer or an authorized repair provider to provide an owner or independent repair provider access to nondiagnostic and nonrepair

information provided by a manufacturer to an authorized repair provider.

Section 7. Section 559.976, Florida Statutes, is created to read:

559.976 Applicability.—

(1) This part applies to portable wireless devices sold or in use on or after July 1, 2025.

(2) This part does not apply to portable wireless devices approved by the United States Food and Drug Administration, security or life-safety systems and devices, or manufacturers of security or life-safety systems and devices.

Section 8. Section 686.35, Florida Statutes, is created to read:

686.35 Agricultural Equipment Fair Repair Act.—

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

(a) "Authorized repair provider" means an individual or entity that has an arrangement for a definite or indefinite period in which an original equipment manufacturer grants to a separate individual or entity a license to use a trade name, service mark, or related characteristic for the purpose of offering repair services under the name of the original equipment manufacturer.

(b) "Embedded software" means any programmable instructions provided on firmware delivered with equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer for this purpose. The term includes, but is not limited to, a basic internal operating system, an internal operating system, a machine code, an assembly code, a robot code, or a microcode.

(c) "Equipment" means digital electronic equipment, or a part for such equipment, which is originally manufactured for farm equipment, including combines, tractors, implements, self-propelled equipment, and related attachments and implements, and which is manufactured for distribution and sale in this state.

(d) "Fair and reasonable terms" means an equitable price in light of relevant factors, including, but not limited to:

1. The net cost to the authorized repair provider for similar information obtained from an original equipment manufacturer, excluding any applicable discount, rebate, or other incentive program;

2. The cost to the original equipment manufacturer for preparing and distributing the information, excluding any research and development costs incurred in designing and implementing, upgrading, or altering the product, but including amortized capital costs for the preparation and distribution of the information;

3. The price charged by other original equipment manufacturers for similar information;

4. The price charged by original equipment manufacturers for similar information before the launch of original equipment manufacturer websites;

5. The ability of aftermarket technicians or shops to afford the information;

6. The means by which the information is distributed;

7. The extent to which the information is used, including the number of users and the frequency, duration, and volume of use; and

8. Inflation.

(e) "Firmware" means a software program or set of instructions programmed on a hardware device to allow the device to communicate with other computer hardware.

(f) "Independent repair provider" means a person or business operating in this state which is not affiliated with an original equipment manufacturer or an original equipment manufacturer's authorized repair provider and which is engaged in the diagnosis, service, maintenance, or repair of equipment. However, an original equipment manufacturer meets the definition of an independent repair provider if such original equipment manufacturer engages in the diagnosis, service, maintenance, or repair of equipment that is not affiliated with the original equipment manufacturer.

(g) "Original equipment manufacturer" means a person or business that, in the ordinary course of business, is engaged in the selling or leasing of new equipment to a person or business and is engaged in the diagnosis, service, maintenance, or repair of such equipment.

(h) "Owner" means a person or business that owns or leases a digital electronic product purchased or used in this state.

(i) "Part" means a replacement part, either new or used, which the original equipment manufacturer makes available to the authorized repair provider for the purpose of effecting repair.

(j) "Trade secret" means anything, whether tangible or intangible or electronically stored or kept, which constitutes, represents, evidences, or records intellectual property, including secret or confidentially held designs, processes, procedures, formulas, inventions, or improvements or secret or confidentially held scientific, technical, merchandising,

production, financial, business, or management information. The term also includes any other trade secret as defined in 18 U.S.C. s. 1839.

(2) For equipment sold and used in this state, the original equipment manufacturer shall make available diagnostic and repair information, including repair technical updates and corrections to embedded software, to any independent repair provider or owner of equipment manufactured by such original equipment manufacturer. The information must be made available for no charge or must be provided in the same manner as the original equipment manufacturer makes such diagnostic and repair information available to an authorized repair provider. Thereafter, the original equipment manufacturer is not responsible for the content and functionality of such aftermarket diagnostic tools, diagnostics, or service information systems.

(3) Original equipment manufactured by the original equipment manufacturer which is sold or used in this state to provide security-related functions may not exclude from information provided to an owner or an independent repair provider any diagnostic, service, and repair information necessary to reset a security-related electronic function. If such information is excluded under this section, the information necessary to reset an immobilizer system or a security-related electronic module must be obtainable by an owner or an independent repair provider through the appropriate secure data release system.

(4) This section may not be construed to do any of the following:

(a) Require an original equipment manufacturer to divulge a trade secret.

(b) Abrogate, interfere with, contradict, or alter the terms of an agreement executed and in force between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such authorized repair agreement, except that any provision in such an authorized repair agreement which purports to waive, avoid, restrict, or limit an original equipment manufacturer's compliance with this section is void and unenforceable.

(c) Require original equipment manufacturers or authorized repair providers to provide an owner or an independent repair provider access to nondiagnostic and repair information provided by an original equipment manufacturer to an authorized repair provider pursuant to the terms of an authorized repair agreement.

(5) An original equipment manufacturer found in violation of this section is liable for a civil penalty of not more than $500 for each violation.

Section 9. This act shall take effect July 1, 2025.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

March 26, 2025

The Honorable Kathleen Passidomo
400 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request CS/CS/SB 1132 Consumers' Right to Repair Certain Equipment be placed on the next available Rules Committee Meeting agenda.

This good bill creates the Portable Wireless Device Repair Act, which requires manufacturers of portable wireless devices purchased or used in this state to make documentation, parts, and tools available to owners and independent repair providers. The bill also provides civil remedies for a violation of this Act, and remedies and penalties under the Florida Deceptive and Unfair Trade Practices Act.

Additionally, the bill creates the Agricultural Equipment Fair Repair Act, requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners. Original equipment manufacturers are prohibited from excluding certain information concerning security-related functions. The bill does not apply to motor vehicle manufacturers or motor vehicle dealers. Additionally, a civil penalty may be collected from any original equipment manufacturer who is found to be in violation.

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

cc: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
❒ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
❒ 16207 State Road 50, Suite 401, Clermont, Florida 34711
❒ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

4-8-2025
Meeting Date

Rules
Committee

SB 132
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackie Flatwood

Phone 229-733-5577

Address 2836 E. River Rd
Street

Email jflatwood@tds.net
gmail.com

Bainbridge GA 39817
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. 2020-2022JointRules.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
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04/08/2025
Meeting Date

Rules
Committee

SB 1132
Bill Number or Topic

Amendment Barcode (if applicable)

Name Turner Loesel (Low-2e11) Phone 561-401-8625

Address 100 N Duval street Email tloesel@jamesmadison.org
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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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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4/8/25
Meeting Date

Rules
Committee

SB 1132
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mike Blank

Phone 202-925-2667

Address 1400 16th St NW
Street

Email mblank@ctia.org

Washington, DC 20036
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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/8/25
Meeting Date

Rules
Committee

SB 1132
Bill Number or Topic

Amendment Barcode (if applicable)

Name Katie Kelly

Phone 850-933-2822

Address P.O. Box 12186
Street

Email KKelly@technet.org

TLH FL 32317
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:
Technet

☐ 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)

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 1164
INTRODUCER:	Community Affairs Committee and Senator Leek
SUBJECT:	Electronic Delivery of Notices between Landlords and Tenants
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Favorable**
2.	Shuler	Fleming	CA	**Fav/CS**
3.	Collazo	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1164 allows a landlord or tenant to deliver any notices required by the Florida Residential Landlord and Tenant Act to the other party electronically by e-mail if:

- The landlord or the tenant signs an addendum to the rental agreement agreeing to the electronic delivery of notices; and
- The landlord or the tenant provides a valid e-mail address for this purpose.

The bill specifies the form that the landlord or tenant must sign. Under the bill, notices delivered electronically in accordance with the bill are deemed delivered when sent, unless the e-mail is returned to the sender as undeliverable. The bill does not preclude the service of notices by any other means authorized by law.
The bill makes additional conforming and clarifying changes and updates to terminology.

The bill takes effect July 1, 2025.

II. Present Situation:

Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:

- Part I, which governs nonresidential tenancies not governed by Part II.[1]
- Part II, the Florida Residential Landlord and Tenant Act, which governs residential tenancies.[2]
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.[3]

Florida Residential Landlord and Tenant Act

The Florida Residential Landlord and Tenant Act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).[4] For purposes of the Act, "dwelling unit" means:

- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.[5]

Notably, the Act does not apply to:

- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months' rent or a contract in which the buyer has paid at least one month's rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.[6]

Significant provisions of the Act include provisions relating to:

- Unconscionable rental agreements or provisions.[7]
- Rent and duration of tenancies.[8]
- Prohibited provisions in rental agreements.[9]
- The landlord's obligation to maintain the premises.[10]
- The tenant's obligation to maintain the dwelling unit.[11]

[1] Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).
[2] Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).
[3] Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).
[4] Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the Act's scope certain kinds of residencies).
[5] Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).
[6] Section 83.42, F.S.
[7] Section 83.45, F.S.
[8] Section 83.46, F.S.
[9] Section 83.47, F.S.
[10] Section 83.51, F.S.
[11] Section 83.52, F.S.

- The landlord's access to a dwelling unit.[12]
- Termination of the tenancy.[13]
- Enforcement, damages, and attorney fees.[14]

Delivery of Notices

State law requires landlords and tenants to deliver written notices to the other party in several different situations.

For example, with respect to residential tenancies, written notice is required:

- Whenever a landlord confirms landlord's receipt of advance rent or a security deposit, or a change in the manner or location in which the landlord is holding the advance rent or security deposit. The notice must be given in person or by mail to the tenant.[15] The landlord must also give written notice by certified mail to the tenant's last known mailing address if the landlord intends to impose a claim on tenant's security deposit.[16]
- Whenever a landlord discloses or changes name and address. The notice must be delivered to the tenant's residence or, if specified in writing by the tenant, to any other address.[17]
- Whenever a tenant must vacate the premises for the extermination of rats, mice, roaches, ants, wood-destroying organisms, and bedbugs for a period not to exceed 4 days. In such case, the landlord must provide 7 days' written notice.[18]
- Whenever a landlord or tenant terminates a rental agreement. Service of the written notice must be made by mailing or delivering a true copy of the notice, or if the tenant is absent from the premises, by leaving a copy at the premises.[19]
- Whenever a landlord notifies a tenant of their obligation to give notice when they vacate the premises at the end of a rental agreement with a specific term.

III. Effect of Proposed Changes:

The bill creates s. 83.505, F.S., which authorizes a landlord or tenant to deliver any notices required by the Florida Residential Landlord and Tenant Act to the other party electronically by e-mail if the landlord or the tenant:

- Signs an addendum to the rental agreement specifically agreeing to the electronic delivery of notices; and
- Provides a valid e-mail address for such purpose.

[12] Section 83.53, F.S.
[13] Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s, 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4) (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).
[14] Section 83.54 (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).
[15] Section 83.49(2), F.S. The requirement does not apply to any landlord who rents fewer than 5 individual dwelling units. *Id.* Additionally, the lease must include a disclosure advising the tenant regarding the written notice. *Id.*
[16] Section 83.49(3), F.S.
[17] Section 83.50, F.S.
[18] Section 83.51(2)(a)1., F.S.
[19] Section 83.56(4), F.S.

The bill specifies the form to which the addendum must substantially conform. A party that has agreed to electronic delivery may revoke such agreement at any time or update their email address pursuant to written notice to the other party and the revocation or update takes effect upon delivery of written notice to the other party.

Under the bill, a notice delivered electronically in accordance with the new statute is deemed delivered when sent, unless the e-mail is returned to the sender as undeliverable. The sender must maintain a copy of any notice sent electronically, along with evidence of transmission. The bill does not preclude the service of notices by any other means authorized by law.

The bill makes conforming changes to the Act to allow for electronic delivery of notices, including amending:.

- Section 83.49, F.S., related to the requirements for a landlord to give a tenant written notice confirming receipt of tenant's advance payment or security deposit, a change in how the landlord is holding the advance rent or security deposit, or the landlord's intent to impose a claim on a deposit upon termination of the rental agreement.
- Section 83.50, F.S., related to the requirement for the landlord to give a tenant written notice disclosing or changing the landlord's name and address.
- Section 83.51, F.S., related to the requirement for landlords to give a tenant written notice if a tenant must temporarily vacate for pest extermination.
- Section 83.56, F.S. related to requirements for a landlord or tenant to give written notice to the other party before terminating the rental agreement.
- Section 83.575, F.S., related to the requirements for written notice upon nonrenewal of a rental agreement or when the landlord informs a tenant of their obligation to give notice when vacating the premises to clarify that the delivery of such notices must be by mail, delivery of a true copy, or e-mail.

The bill makes additional conforming and clarifying changes and updates to terminology.

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:

The bill will have an indeterminate positive fiscal impact on landlords and tenants. If the parties agree to receive service of notices by e-mail, landlords and tenants will save the costs associated with delivering written notices in person or by mail.

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: 83.49, 83.50, 83.51, 83.56, and 83.575.

This bill creates section 83.505 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 by Community Affairs on March 31, 2025:
The committee substitute:

- Allows for e-mail notices from tenants to landlords.
- Specifies the form of the rental agreement addendum that the landlord and tenant must sign.
- Allows either the tenant or landlord to revoke the agreement to electronic notices and update their email address.
- Removes the section from the bill proposing the amendment of s. 83.20, F.S., which would have allowed e-mail notices related to removal of nonresidential tenants.

- Adds a section amending s. 83.51, F.S., related to a landlord's obligation to maintain the premises, to allow for e-mail notices by landlords to tenants if a tenant must temporarily vacate for pest extermination.
- Adds a section amending s. 83.575, F.S., related to the termination of tenancies with specific terms, to clarify that the delivery of notices must be by mail, delivery of a true copy, or e-mail, when a rental agreement is not renewed or when the landlord informs a tenant of their obligation to give notice to a landlord when vacating the premises.
- Updates terminology and makes technical, clarifying, and conforming changes.

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 Committee on Community Affairs; and Senator Leek

578-03101-25 20251164c1

A bill to be entitled

An act relating to electronic delivery of notices between landlords and tenants; creating s. 83.505, F.S.; authorizing a landlord or tenant to electronically deliver notices to the other party if certain conditions are met; requiring that an addendum to a rental agreement be in a specified form; authorizing a party to revoke its agreement to electronic delivery without invalidating notices previously sent by e-mail; specifying when such revocation takes effect; authorizing a party to update its e-mail address; specifying when such update takes effect; providing that a notice delivered by e-mail is deemed delivered at the time the e-mail is sent; providing an exception; requiring the sender of the e-mail to maintain certain information; providing construction; amending ss. 83.49, 83.50, 83.51, 83.56, and 83.575, F.S.; conforming provisions to changes made by the act; making technical changes; providing an effective date.

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

Section 1. Section 83.505, Florida Statutes, is created to read:

83.505 Electronic delivery of notices.—

(1) A landlord or tenant may electronically deliver via an e-mail address any notices required under this part to the other party if the parties have signed an addendum to the rental agreement, in substantially the following form, specifically agreeing to the electronic delivery of notices and providing a valid e-mail address for such purpose:

Landlord election:

☐ I ...(name)..., the landlord or the landlord's agent, agree to receive notices required by the rental agreement or under part II of chapter 83, Florida Statutes, from the tenant by e-mail. I designate the following e-mail address for receipt of notices from the tenant: ...(landlord's or landlord's agent's e-mail address)....

☐ I do not agree to receive notices by e-mail.

Tenant election:

☐ I ...(name)..., the tenant, agree to receive notices required by the rental agreement or under part II of chapter 83, Florida Statutes, from the landlord by e-mail. I designate the following e-mail address for receipt of notices from the landlord: ...(tenant's e-mail address)....

☐ I do not agree to receive notices by e-mail.

(2) A party who agrees to electronic delivery may revoke such agreement at any time by providing written notice to the other party. Such revocation takes effect upon delivery of the written notice to the other party and does not affect the validity of any notice previously sent by e-mail.

(3) A party may update the e-mail address designated for

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

electronic delivery at any time by providing written notice to the other party specifying the new e-mail address. The update takes effect upon delivery of the written notice to the other party.

(4) A notice sent electronically pursuant to this section is deemed delivered at the time it is sent, unless the e-mail is returned to the sender as undeliverable.

(5) The sender of the e-mail must maintain a copy of any notice sent electronically and evidence of the transmission of the e-mail.

(6) This section does not preclude service of notices by any other means permitted by law.

Section 2. Paragraphs (a) and (d) of subsection (2), paragraph (a) of subsection (3), and subsections (4), (5), (8), and (9) of section 83.49, Florida Statutes, are amended to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(2) The landlord shall, in the lease agreement or within 30 days after receipt of advance rent or a security deposit, give written notice to the tenant which includes disclosure of the advance rent or security deposit. Subsequent to providing such written notice, if the landlord changes the manner or location in which he or she is holding the advance rent or security deposit, he or she must notify the tenant within 30 days after the change as provided in paragraphs (a)-(d). The landlord is not required to give new or additional notice solely because the depository has merged with another financial institution, changed its name, or transferred ownership to a different financial institution. This subsection does not apply to any

landlord who rents fewer than five individual dwelling units. Failure to give this notice is not a defense to the payment of rent when due. The written notice must:

(a) Be given in person or delivered by mail or e-mail in accordance with s. 83.505 to the tenant.

(d) Contain the following disclosure:

YOUR RENTAL AGREEMENT ~~LEASE~~ REQUIRES PAYMENT OF CERTAIN DEPOSITS. THE LANDLORD MAY TRANSFER ADVANCE RENTS TO THE LANDLORD'S ACCOUNT AS THEY ARE DUE AND WITHOUT NOTICE. WHEN YOU MOVE OUT, YOU MUST GIVE THE LANDLORD YOUR NEW ADDRESS SO THAT THE LANDLORD CAN SEND YOU NOTICES REGARDING YOUR DEPOSIT. THE LANDLORD MUST PROVIDE YOU WRITTEN ~~MAIL YOU~~ NOTICE IN PERSON, BY MAIL, OR BY E-MAIL IN ACCORDANCE WITH SECTION 83.505, FLORIDA STATUTES, WITHIN 30 DAYS AFTER YOU MOVE OUT, OF THE LANDLORD'S INTENT TO IMPOSE A CLAIM AGAINST THE DEPOSIT. IF YOU DO NOT REPLY TO THE LANDLORD STATING YOUR OBJECTION TO THE CLAIM WITHIN 15 DAYS AFTER RECEIPT OF THE LANDLORD'S WRITTEN NOTICE, THE LANDLORD WILL COLLECT THE CLAIM AND MUST MAIL YOU THE REMAINING DEPOSIT, IF ANY.

IF THE LANDLORD FAILS TO TIMELY PROVIDE ~~MAIL~~ YOU NOTICE, THE LANDLORD MUST RETURN THE DEPOSIT BUT MAY LATER FILE A LAWSUIT AGAINST YOU FOR DAMAGES. IF YOU FAIL TO TIMELY OBJECT TO A CLAIM, THE LANDLORD MAY COLLECT FROM THE DEPOSIT, BUT YOU MAY LATER FILE A LAWSUIT CLAIMING A REFUND.

YOU SHOULD ATTEMPT TO INFORMALLY RESOLVE ANY DISPUTE BEFORE FILING A LAWSUIT. GENERALLY, THE PARTY IN WHOSE FAVOR A JUDGMENT IS RENDERED WILL BE AWARDED COSTS AND ATTORNEY FEES PAYABLE BY THE LOSING PARTY.

THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND OBLIGATIONS.

(3) The landlord or the landlord's agent may disburse advance rents from the deposit account to the landlord's benefit when the advance rental period commences and without notice to the tenant. For all other deposits:

(a) Upon the vacating of the premises for termination of the rental agreement ~~lease~~, if the landlord does not intend to impose a claim on the security deposit, the landlord must ~~shall have 15 days to~~ return the security deposit together with interest if otherwise required within 15 days after the termination of the rental agreement. If the landlord intends to impose a claim on the deposit, ~~or~~ the landlord must, within 30 days after the termination of the rental agreement, provide ~~shall have 30 days to give~~ the tenant written notice by certified mail to the tenant's last known mailing address or by e-mail in accordance with s. 83.505 of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The written notice must ~~shall~~ contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of .... upon your security deposit, due to ..... It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days after ~~from~~ the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to ...(landlord's address)....

If the landlord fails to give the required written notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit and may not seek a setoff against the deposit but may file an action for damages after returning ~~return of~~ the security deposit to the tenant.

(4) ~~The provisions of~~ This section does ~~do~~ not apply to transient rentals by hotels or motels as defined in chapter 509 or~~; nor do they apply~~ in those instances in which the amount of rent or deposit, or both, is regulated by law or by rules or regulations of a public body, including public housing authorities and federally administered or regulated housing programs including s. 202, s. 221(d)(3) and (4), s. 236, or s. 8 of the National Housing Act, as amended, other than for rent stabilization. With the exception of subsections (3), (5), and (6), this section is not applicable to housing authorities or public housing agencies created pursuant to chapter 421 or other statutes.

(5) Except when otherwise provided by the terms of a written rental agreement ~~lease~~, any tenant who vacates or

abandons the premises before ~~prior to~~ the expiration of the term specified in the rental agreement ~~written lease~~, or any tenant who vacates or abandons premises which are the subject of a tenancy from week to week, month to month, quarter to quarter, or year to year, must ~~shall~~ give at least 7 days' written notice by certified mail or personal delivery to the landlord before ~~prior to~~ vacating or abandoning the premises, which notice must ~~shall~~ include the address where the tenant may be reached. Failure to give such notice relieves ~~shall relieve~~ the landlord of the notice requirement of paragraph (3)(a) but does ~~shall~~ not waive any right the tenant may have to the security deposit or any part of it.

(8) Any person licensed under ~~the provisions of~~ s. 509.241, unless excluded by the provisions of this part, who fails to comply with ~~the provisions of~~ this part is ~~shall be~~ subject to a fine or to the suspension or revocation of his or her license by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation in the manner provided in s. 509.261.

(9) In those cases in which interest is required to be paid to the tenant, the landlord must ~~shall~~ pay directly to the tenant, or credit against the current month's rent, the interest due to the tenant at least once annually. However, a landlord is not required to pay interest to ~~no interest shall be due~~ a tenant who wrongfully terminates his or her tenancy before ~~prior to~~ the end of the rental term.

Section 3. Section 83.50, Florida Statutes, is amended to read:

83.50 Disclosure of landlord's address.—In addition to any

other disclosure required by law, the landlord, or a person authorized to enter into a rental agreement on the landlord's behalf, shall disclose in writing to the tenant, at or before the commencement of the tenancy, the name and address of the landlord or a person authorized to receive notices and demands in the landlord's behalf. The person so authorized to receive notices and demands retains authority until the tenant is notified otherwise. All notices of such names and addresses or changes thereto must ~~shall~~ be delivered to the tenant's residence or, if specified in writing by the tenant, to any other address, or such notices may be sent by e-mail in accordance with s. 83.505.

Section 4. Paragraph (a) of subsection (2) of section 83.51, Florida Statutes, is amended to read:

83.51 Landlord's obligation to maintain premises.—

(2)(a) Unless otherwise agreed in writing, in addition to the requirements of subsection (1), the landlord of a dwelling unit other than a single-family home or duplex shall, at all times during the tenancy, make reasonable provisions for:

1. The extermination of rats, mice, roaches, ants, wood-destroying organisms, and bedbugs. If the tenant must vacate ~~When vacation of~~ the premises ~~is required~~ for such extermination, the landlord is not liable for damages but must ~~shall~~ abate the rent. The landlord must provide 7 days' written notice, in person, by mail, or by e-mail in accordance with s. 83.505, to the tenant if the tenant must temporarily vacate the premises ~~for a period of time not to exceed 4 days, on 7 days' written notice, if necessary,~~ for extermination pursuant to this subparagraph. A tenant is only required to vacate the premises

for a period of time not to exceed 4 days.

2. Locks and keys.

3. The clean and safe condition of common areas.

4. Garbage removal and outside receptacles therefor.

5. Functioning facilities for heat during winter, running water, and hot water.

Section 5. Subsection (4) of section 83.56, Florida Statutes, is amended to read:

83.56 Termination of rental agreement.—

(4) The delivery of the written notices required by subsections (1), (2), and (3) shall be by mailing, delivering ~~or delivery of~~ a true copy thereof, e-mailing in accordance with s. 83.505, or, if the tenant is absent from the premises, by leaving a copy thereof at the residence. The notice requirements of subsections (1), (2), and (3) may not be waived in the rental agreement ~~lease~~.

Section 6. Subsections (1) and (2) of section 83.575, Florida Statutes, are amended to read:

83.575 Termination of tenancy with specific duration.—

(1) A rental agreement with a specific duration may contain a provision requiring the tenant to notify the landlord within a specified period before vacating the premises at the end of the rental agreement, if such provision also requires the landlord to notify the tenant in a manner prescribed by s. 83.56(4) within such notice period if the rental agreement will not be renewed. ~~; however,~~ A rental agreement may not require less than 30 days' notice or more than 60 days' notice from either the tenant or the landlord.

(2) A rental agreement with a specific duration may provide

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that if a tenant fails to give the required notice before vacating the premises at the end of the rental agreement, the tenant may be liable for liquidated damages as specified in the rental agreement if the landlord provides written notice to the tenant specifying the tenant's obligations under the notification provision contained in the rental agreement ~~lease~~ and the date the rental agreement is terminated. The landlord must provide such written notice to the tenant in a manner prescribed by s. 83.56(4) within 15 days before the start of the notification period contained in the rental agreement ~~lease~~. The written notice must ~~shall~~ list all fees, penalties, and other charges applicable to the tenant under this subsection.

Section 7. This act shall take effect July 1, 2025.

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **Senate Bill #1164**, relating to Delivery of Notices from Landlords to Tenants, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

April 8, 2025
Meeting Date

Rules
Committee

SB 1164
Bill Number or Topic

Amendment Barcode (if applicable)

Name JONATHAN Webber

Phone 954-593-4449

Address 400 Washington Ave
Street

Email JONATHAN.Webber@splcenter.org

Montgomery AL 36104
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:

SPLC

☐ 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

04/08/25
Meeting Date

Rules
Committee

SB 1164
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackson Oberlink

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 Rising

☐ 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

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

SB 1164
Bill Number or Topic

Amendment Barcode (if applicable)

Name JP Bell

Phone 850-524-9435

Address 200 South Monroe Street
Street

Email jp.bell@floridarealtors.org

Tallahassee FL 32301
City *State* *Zip*

Reset Form

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 Realtors Association

☐ 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)

The Florida Senate

APPEARANCE RECORD

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

04/08/2025
Meeting Date

Rules
Committee

1164
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelly Mallette

Phone (850) 224-3427

Address 104 W Jefferson Street
Street

Email kelly@rlbookpa.com

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 Apartment 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. 2020-2022JointRules.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 1346
INTRODUCER:	Judiciary Committee; Health Policy Committee; Senators Polsky and Pizzo
SUBJECT:	Fentanyl Testing
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Fav/CS**
2.	Davis	Cibula	JU	**Fav/CS**
3.	Looke	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1346 creates s. 395.1042, F.S., entitled "Gage's Law."[1] The bill requires a hospital or hospital-based off-campus emergency department to test a patient for fentanyl if the patient is receiving emergency services and care[2] for a possible drug overdose or poisoning and the hospital or stand-alone emergency department conducts a urine test to assist in diagnosing the individual. The bill specifies that if the urine test comes back positive for fentanyl, the hospital must perform a confirmation test as defined in s. 440.102(1), F.S.,[3] and retain the results of the urine test and the confirmation test as part of the patient's clinical record.

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

[1] Gage's Law is named after Gage Austin Taylor, an Orlando resident who died at 29 from an accidental fentanyl overdose on September 26, 2022. *See* Tina Scott Polsky, Rita Harris file 'Gage's Law' to mandate fentanyl tests in suspected overdose cases, (last visited March 27, 2025).

[2] Section 395.002(9), F.S., defines "emergency services and care" to mean medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility.

[3] Section 440.102, F.S., defines a "confirmation test" to mean a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

II. Present Situation:

Fentanyl

According to the U.S. Drug Enforcement Administration, fentanyl is a synthetic opioid often used to treat patients who have chronic severe pain or experience severe pain after surgery. Fentanyl is a Schedule II controlled substance. It is similar to morphine but approximately 100 times more potent. When prescribed under the supervision of a licensed medical professional, fentanyl has a legitimate medical use to relieve pain. However, even patients who are prescribed fentanyl should be monitored for potential misuse or abuse of the drug.[4]

Illicit fentanyl is primarily manufactured in foreign, clandestine labs and smuggled into the country through Mexico. It is then distributed throughout the nation and sold on the illegal drug market. In order to increase its potency, fentanyl is mixed with other illicit drugs. It may be sold as powders and nasal sprays, but it is often pressed into pills that resemble legitimate prescription opioids. These counterfeit pills, which have no official oversight, often contain lethal doses of fentanyl.[5]

The risk is substantial that illegal drugs are intentionally contaminated with fentanyl. Because fentanyl is highly potent and relatively inexpensive, drug dealers mix fentanyl with other drugs including heroin, methamphetamine, and cocaine, which increases the likelihood of a fatal interaction.[6]

According to the Center for Disease Control, synthetic opioids like fentanyl are the primary cause of overdose deaths in the U.S.[7]

Urine Testing

Illicit drugs that are abused present a common area of interest for screening and urine testing. These five drugs are commonly tested in the United States using a urine screening:

- Cocaine.
- Amphetamines.
- Marijuana.
- Phencyclidine (PCP).
- Opioids.[8]

"Many assays include benzodiazepines as well. In addition to issues with false positives or negatives of the test, the standard urine assay will not screen for some existing illicit drugs. The epidemiology of drug use has shifted over the past 10 years, and there is a higher prevalence of substances such as synthetic cannabinoid, MDMA (ecstasy), and chemical variants of opioids and PCP, which may not be detected by many urine screenings. Other drugs of misuse that are

[4] Facts About Fentanyl, United States Drug Enforcement Administration, *available at* https://www.dea.gov/resources/facts-about-fentanyl (last visited March 27, 2025).
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8]

generally unscreened include ketamine, chloral hydrate, gamma-hydroxybutyrate (GHB), psilocybin, and "bath salts" (cathinones)."[9]

The majority of urine drug screenings do not provide for quantitative testing, therefore, a simple "positive" or "negative" test "result is given if the assay detects substrate."[10]

Serum Testing

Serum tests are used to screen for common, over-the-counter drugs which are often used for intentional overdoses. These serum "tests commonly obtain acetaminophen, aspirin, salicylates, and ethanol. Some extended serum screens include tricyclic antidepressants or barbiturates. Unlike urine screens, these tests are often quantitative and are useful in measuring blood concentrations. Concentrations require interpretation as to the reported times and amounts of ingestion, and often serial concentrations are necessary when the history is lacking or unreliable. While ethanol is detectable in the alcohol screen, other toxic alcohols like methanol, ethylene glycol, and isopropyl alcohol are not detectable."[11]

III. Effect of Proposed Changes:

The bill creates s. 395.1042, F.S., entitled "Gage's Law." The bill requires that any hospital or stand-alone emergency department include fentanyl when testing a patient's urine to assist in diagnosing a suspected overdose or poisoning and while providing emergency services and care.

If the results are positive for fentanyl, the hospital is required to perform a confirmation test as defined in s. 440.102(1), F.S. The bill specifies that the results of the urine test as well as the confirmation test must be preserved in the patient's clinical record for the timeframe required by the hospital's or stand-alone emergency department's clinical recordkeeping practices.

The bill 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.

[9] *Id.*
[10] *Id.*
[11] *Id.*

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 require individuals or health insurers to incur additional costs for testing a patient for fentanyl.

C. Government Sector Impact:

The bill may require government run hospitals and insurers to incur additional costs for testing a patient for fentanyl.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires a hospital to conduct a confirmation test for fentanyl under certain circumstances but does not provide a hospital with an exception if the patient refuses the confirmation test. As such, it may be advisable to clarify in the bill the hospital's responsibility should a patient refuse the test.

It may also be advisable to provide the Agency for Health Care Administration (AHCA) with specific rulemaking authority to implement the new section of law in order to give AHCA flexibility to address issues with implementation of the new requirement.

VIII. Statutes Affected:

This bill creates section 395.1042 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/CS by Judiciary on April 1, 2025:

The committee substitute makes a technical change for consistency by clarifying that the "confirmation test" required in s. 395.1042(2)(b), F.S., is also a "confirmation test" in s. 395.1042(2)(c), F.S., and not "laboratory and toxicology screenings" as appeared in the prior version of the bill.

CS by Health Policy on March 25, 2025:
The committee substitute removes the requirement for a hospital to perform "laboratory and toxicology screenings" should a patient's urine test positive for fentanyl and replaces it with the requirement to conduct a "confirmation test" as defined in s. 440.102(1), F.S.

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 Judiciary; and Health Policy; and Senators Polsky and Pizzo

590-03188-25 20251346c2

A bill to be entitled

An act relating to fentanyl testing; creating s. 395.1042, F.S.; providing a short title; requiring hospitals and hospital-based off-campus emergency departments to test for fentanyl as part of any urine testing they conduct to treat individuals for possible drug overdose or poisoning; requiring such facilities to perform a confirmation test if the urine test results are positive for fentanyl; requiring that the results of such tests be retained as part of the patient's clinical record in accordance with the facility's current recordkeeping practices; providing an effective date.

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

Section 1. Section 395.1042, Florida Statutes, is created to read:

395.1042 Fentanyl testing.—

(1) This section may be cited as "Gage's Law."

(2)(a) If an individual is treated at a hospital or hospital-based off-campus emergency department for emergency services and care for a possible drug overdose or poisoning and the hospital or hospital-based off-campus emergency department conducts a urine test to assist in diagnosing the individual's condition, the hospital must include testing for fentanyl in the urine test.

(b) If the test results are positive for fentanyl, the hospital must perform a confirmation test as defined in s. 440.102(1).

(c) The results of the urine test and the confirmation test must be retained as part of the patient's clinical record for the timeframe required by the hospital's or hospital-based off-campus emergency department's current clinical recordkeeping practices.

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

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

Florida Senate - 2025 CS for CS for SB 1346

590-03188-25 20251346c2

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR TINA SCOTT POLSKY
30th District

COMMITTEES:
Appropriations on Transportation, Tourism, and Economic Development, *Vice Chair*
Appropriations
Appropriations on Criminal and Civil Justice
Environment and Natural Resources
Ethics and Elections
Governmental Oversight and Accountability
Judiciary
Joint Administrative Procedures

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

April 2, 2025

Chairwoman Passidomo
Committee on Rules
402 Senate Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairwoman Passidomo,

I respectfully request that you place SB 1346, relating to Fentanyl Testing on the agenda of the Committee on Rules, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

Senator Tina S. Polsky
Florida Senate, District 30

cc: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
- **5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170**
- **220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030**

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 1374
INTRODUCER:	Rules Committee and Senator Yarborough
SUBJECT:	School District Reporting Requirements
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	**Favorable**
2.	Vaughan	Stokes	CJ	**Favorable**
3.	Brick	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1374 strengthens reporting and accountability measures related to educator arrests and misconduct by:

- Requiring district school boards to adopt a policy for the temporary removal of instructional personnel from the classroom within 24 hours of an arrest for a felony offense or a misdemeanor offense listed in Level 2 background screening standards when notified by law enforcement or through self-reporting requirements.
- Expanding law enforcement notification requirements to include additional disqualifying offenses listed in Level 2 background screening standards and mandating notification within 48 hours of an arrest for these offenses.
- Expanding self-reporting requirements to include offenses listed in Level 2 background screening standards and requiring instructional and administrative personnel to report an arrest within 48 hours.
- Clarifying that self-reports are not admissions of guilt and cannot be used against the employee in any civil, criminal, administrative, or judicial proceeding.

The bill authorizes public schools and private schools that participate in state scholarship programs to screen volunteers through the Care Provider Background Screening Clearinghouse or to request national criminal history checks through the Florida Department of Law Enforcement.

The bill takes effect July 1, 2025.

II. Present Situation:

Screening and Employment Standards for School Employees

Florida law establishes screening standards for individuals seeking educator certification or employment in positions that require direct contact with students in district schools, charter schools, and private schools participating in state scholarship programs.[1] A person is ineligible for employment if they:[2]

- Are on the disqualification list maintained by the Department of Education.
- Are registered as a sex offender under federal law.
- Are ineligible based on a security background check conducted pursuant to Level 2 background screening standards.[3]
- Have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to:
  - Any criminal act committed in another state or under federal law that would constitute a disqualifying offense under Level 2 background screening standards.
  - Any delinquent act that would qualify the individual for inclusion on Florida's Registered Juvenile Sex Offender List.

Currently, background screening for school volunteers is at the discretion of the school district or private school.[4] The only statewide requirement is that volunteers in public schools must be checked against the sexual offender and predator database before being allowed to volunteer.[5]

Level 2 Background Screenings and Disqualifying Offenses

Individuals seeking employment in positions involving direct contact with vulnerable populations, including students, are subject to Level 2 background screening requirements.[6] Level 2 background screenings utilize fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, national criminal history records checks through the Federal Bureau of Investigation, and local criminal records checks through local law enforcement agencies.[7] Additionally, a search of the sexual predator and sexual offender registries will be conducted for any state where the individual resided within the past five years.[8] Disqualifying offenses include certain felony and misdemeanor offenses related to violence, abuse, sexual misconduct, and controlled substances.[9] These offenses form the basis for screening standards applicable to school personnel.

[1] Section 1012.315, F.S.
[2] Section 1012.315(5), F.S.
[3] Section 435.04(2), F.S.
[4] Section 435.04, F.S.
[5] Section 943.04351, F.S.
[6] Sections 435.04 and 1012.315, F.S.
[7] Section 435.04(1)(a), F.S.
[8] *Id.*
[9] Section 435.04, F.S.

Criminal History Screening and Use of the Background Screening Clearinghouse

The Department of Law Enforcement (FDLE) maintains the state's criminal history records and provides access to national fingerprint-based background checks through its coordination with the Federal Bureau of Investigation.[10] FDLE is authorized to retain fingerprints submitted by qualified agencies and to issue ongoing arrest notifications when individuals previously screened are arrested for new offenses.[11]

The Agency for Health Care Administration (AHCA), in consultation with FDLE, operates the Care Provider Background Screening Clearinghouse (clearinghouse), a secure web-based system that allows fingerprint-based criminal history results to be shared among specified state agencies and qualified entities.[12]

The clearinghouse includes mechanisms for fingerprint retention, arrest monitoring, and eligibility determinations.[13] To participate, employers and qualified entities must register with the clearinghouse, initiate criminal history checks through it, and maintain up-to-date affiliation or employment status records for screened individuals.[14]

State law requires the use of the clearinghouse to conduct rescreenings of employees at school districts, charter schools, private schools participating in scholarship programs, virtual instruction programs, and other listed educational entities.[15]

In addition to the clearinghouse, national criminal history checks may be requested through FDLE under federal and state law by entities qualified to screen individuals who work with children, the elderly, or persons with disabilities.[16] A "qualified entity" may request such screening for purposes of employment, licensing, or volunteer affiliation, subject to fingerprint-based processing and the applicable record-sharing framework.[17]

Educator Disqualification

The Department of Education (DOE) maintains a disqualification list of individuals permanently prohibited from certain education positions, including those with revoked certificates, disqualifications related to private schools, or employment terminations due to misconduct endangering the health, safety, or welfare of a student.[18]

A person may be removed from the disqualification list under certain conditions, including a completed law enforcement investigation resulting in exoneration, correction of mistaken identity, or an employer's request for removal with supporting documentation.[19]

[10] Section 943.05(1), F.S.
[11] Section 943.05(2)(g), F.S.
[12] Section 435.12(1), F.S.
[13] Section 435.12(2)(a), F.S.
[14] Section 435.12(2)(c)-(d), F.S.
[15] Section 435.12(3)(a), F.S.
[16] Section 943.0542(1), F.S.
[17] Section 943.0542(2)(a), F.S.
[18] Section 1001.10(4)(b), F.S.
[19] Section 1001.10(4)(c), F.S.

To support employment screening, the DOE provides electronic verification access to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept state scholarships for students.[20] This access allows authorized personnel to review the:[21]

- Professional Practices' Database of Disciplinary Actions Against Educators.
- DOE Teacher Certification Database.
- Disqualification List maintained under state law.

Law Enforcement Notification of Employee Arrests

Law enforcement agencies are required to notify school officials within 48 hours when a school employee is arrested for a felony offense, child abuse, or the sale or possession of a controlled substance.[22] The notification must be sent to the district school superintendent, charter school governing board, private school administrator, university lab school director, or president of the Florida School for the Deaf and the Blind, as applicable.[23] Additionally, within 24 hours, school principals or their designees must notify parents of enrolled students who had direct contact with the arrested employee and disclose the employee's name and the specific charges.[24]

Self-Reporting Requirements for Employees

Certified teachers must self-report within 48 hours to appropriate authorities, as determined by the school district, any arrests or charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice is not considered an admission of guilt, and may not be used in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, the individual must self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment.[25]

Instructional and administrative personnel who become aware that a sexual battery has been committed by a student upon another student are legally required to report the offense to law enforcement.[26]

Instructional personnel include classroom teachers, student personnel services staff, librarians, and other staff providing direct instructional support.[27] Administrative personnel include school-based administrators, such as principals, and district-based instructional and noninstructional administrators.[28]

[20] Section 1001.10(5), F.S.
[21] Section 1001.10(5), F.S.
[22] Section 1012.797, F.S.
[23] Section 1012.797, F.S.
[24] Section 1012.797, F.S.
[25] Rule 6A-10.081(2)(b)13., F.A.C.
[26] Section 1012.799(1), F.S.
[27] Section 1012.01(2), F.S.
[28] Section 1012.01(3), F.S.

Temporary Removal of Instructional Personnel

District school boards are responsible for establishing policies related to the employment and discipline of instructional personnel, including appointment, promotion, suspension, and dismissal of employees.[29] The law does not currently mandate the temporary removal of instructional personnel following an arrest. However, school boards have the authority to suspend or dismiss employees in accordance with applicable laws and district policies.[30]

Investigation and Disciplinary Procedures for Educators

The DOE investigates legally sufficient complaints against certified educators, including those whose certificates have expired if the alleged misconduct occurred while they were certified.[31]

Mandatory Reporting by School Districts

School districts must report legally sufficient complaints to the DOE within 30 days, regardless of whether the educator remains employed.[32] If an educator resigns or is terminated before an investigation is completed, the DOE must:

- Place an alert on the person's certification file.[33]
- Add the individual to the disqualification list, preventing future employment in schools.[34]

Suspension of Educators

If an allegation involves student health, safety, or welfare, the district school superintendent must take immediate action:[35]

- Suspend the educator with pay.
- Remove the individual from any position involving direct student contact.
- Maintain the suspension until a legally sufficient complaint is submitted, with the school district required to complete disciplinary proceedings within one year.

School District Policies and Accountability

School districts must establish policies for educator screening, misconduct reporting, and personnel reassignment.[36] Superintendents who fail to report misconduct may face penalties, including salary forfeiture for one year.[37]

III. Effect of Proposed Changes:

CS/SB 1374 strengthens reporting and accountability measures related to educator arrests and misconduct.

[29] Section 1012.22(1), F.S.
[30] Section 1012.22(1)(f), F.S.
[31] Section 1012.796(1)(a), F.S.
[32] Section 1012.796(1)(d)1., F.S.
[33] Section 1012.796(1)(d)2., F.S.
[34] Section 1012.796(1)(e), F.S.
[35] Section 1012.796(5), F.S.
[36] Section 1012.796(1)(d), F.S.
[37] Section 1012.796(1)(d)4., F.S. (citing s. 1001.51(12), F.S.).

Criminal History Screening and Use of the Background Screening Clearinghouse

The bill amends s. 435.12, F.S., to authorize public schools and private schools that participate in state scholarship programs to screen volunteers through the Care Provider Background Screening Clearinghouse or to request national criminal history checks through the Florida Department of Law Enforcement.

Temporary Removal of Instructional Personnel

The bill amends s. 1012.22, F.S., by requiring district school boards to adopt a policy for the temporary removal of instructional personnel from the classroom within 24 hours of an arrest for a felony offense or a misdemeanor offense listed in Level 2 background screening standards when notified by:

- Law enforcement; or
- The employee pursuant to self-reporting requirements.

Expanded Law Enforcement Notification Requirements

The bill amends s. 1012.797, F.S., by expanding the scope of arrest notifications that law enforcement agencies must provide to school officials. The bill adds offenses listed in Level 2 background screening standards to existing notification requirements, providing that law enforcement agencies must report an employee's arrest for these offenses to the appropriate school officials within 48 hours.

Expanded Self-Reporting Requirements

The bill amends s. 1012.799, F.S., by expanding self-reporting requirements for school personnel. The bill:

- Adds offenses listed in Level 2 background screening standards to the existing self-reporting requirements, requiring instructional and administrative personnel to report an arrest for such an offense within 48 hours to a designated school district authority.
- Clarifies that a self-report is not an admission of guilt and cannot be used against the employee in any civil, criminal, administrative, or judicial proceeding.

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: 435.12, 1012.22, 1012.797, and 1012.799.

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 Rules on April 8, 2025:
The committee substitute authorizes public schools and private schools that participate in state scholarship programs to screen volunteers through the Care Provider Background Screening Clearinghouse or to request national criminal history checks through the Florida Department of Law Enforcement.

B. Amendments:

None.

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

976670

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Before line 18

insert:

Section 1. Paragraph (c) is added to subsection (3) of section 435.12, Florida Statutes, to read:

435.12 Care Provider Background Screening Clearinghouse.—

(3)

(c) An individual who volunteers for an entity listed in paragraph (a) may be screened at the discretion of such entity. If such entity elects to conduct a background screening, the

976670

screening may be conducted pursuant to this section or s. 943.0542.

========== 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:

requirements; amending s. 435.12, F.S.; authorizing specified entities to conduct a background screening on a volunteer; amending s. 1012.22, F.S.; requiring

By Senator Yarborough

4-01723A-25 20251374__

A bill to be entitled

An act relating to school district reporting requirements; amending s. 1012.22, F.S.; requiring district school boards to adopt a policy temporarily removing instructional personnel under specified circumstances; amending s. 1012.797, F.S.; revising requirements for law enforcement to notify specified entities when an employee is arrested for certain offenses; amending s. 1012.799, F.S.; requiring instructional personnel and administrative personnel to self-report certain arrests or judgments within specified timeframes; requiring school districts to comply with confidentiality provisions; providing an effective date.

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

Section 1. Paragraph (j) is added to subsection (1) of section 1012.22, Florida Statutes, to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(j) *Temporary removal from the classroom.*—The district school board shall adopt a policy temporarily removing instructional personnel from the classroom within 24 hours after

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

4-01723A-25 20251374__

a notification by law enforcement or a self-reporting employee of his or her arrest for a felony offense or for a misdemeanor offense listed in s. 435.04(2).

Section 2. Section 1012.797, Florida Statutes, is amended to read:

1012.797 Notification of certain charges against employees.—Notwithstanding ~~the provisions of~~ s. 985.04(7) or any other law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent, charter school governing board, private school owner or administrator, president of the Florida School for the Deaf and the Blind, or university lab schools director or principal, as applicable, when its employee is arrested for a felony or a misdemeanor involving an offense listed in s. 435.04(2), the abuse of a minor child, or the sale or possession of a controlled substance. The notification must ~~shall~~ include the specific charge for which the employee of the school district was arrested. Notwithstanding ss. 1012.31(3)(a)1. and 1012.796(4), within 24 hours after such notification, the school principal or designee shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

Section 3. Section 1012.799, Florida Statutes, is amended to read:

1012.799 Reporting certain offenses.—

(1) Instructional personnel or administrative personnel having knowledge that a sexual battery has been committed by a student upon another student must report the offense to a law enforcement agency having jurisdiction over the school plant or

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

over the place where the sexual battery occurred if not on the grounds of the school plant.

(2) Instructional personnel and administrative personnel shall self-report within 48 hours to a school district authority, as determined by the district superintendent, any arrest for a felony offense or for a misdemeanor offense listed in s. 435.04(2). Such self-report is not considered an admission of guilt and is not admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, instructional personnel and administrative personnel shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts must comply with the confidentiality provisions of ss. 943.0585(4)(c) and 943.059(4)(c).

Section 4. This act shall take effect July 1, 2025.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **Senate Bill #1374**, relating to School District Reporting Requirements, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Clay Yarborough

Senator Clay Yarborough
Florida Senate, District 4

File signed original with committee office

S-020 (03/2004)

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 1378
INTRODUCER:	Transportation Committee and Senator Arrington
SUBJECT:	Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Fav/CS**
2.	Parker	Stokes	CJ	**Favorable**
3.	Johnson	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1378 authorizes a court to order a driver who is convicted of leaving the scene of a crash, who caused or otherwise contributed to the crash, that resulted in damage to a vehicle or other property which is driven or attended by any person, to make restitution to the vehicle or property owner for any damage caused by the driver's vehicle.

The bill does not appear to have a fiscal impact on state or local government. The bill may have an indeterminate positive fiscal impact on the private sector. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2025.

II. Present Situation:

Duty to Give Information and Render Aid

Section 316.062, F.S., outlines a driver's duties to give information and render aid if he or she is involved in a crash resulting in personal injury, death, or property damage, including but not limited to:

- Giving his or her name, address, and the registration number of the vehicle he or she is driving to any person injured in such crash, or to the driver or occupant of or person

attending any vehicle or other property damaged in the crash, or to any police officer at the scene of the crash or who is investigating the crash;
- Exhibiting his or her license or permit to drive, upon request and if available, to any such person or police officer specified above; and
- Rendering reasonable assistance to any injured person, including carrying such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or upon the injured person's request.

Crashes Involving Damage to Vehicle or Other Property

Under s. 316.061(1), F.S., the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

A person who violates s. 316.061(1), F.S., by leaving the scene of a crash involving damage to a vehicle or property which is attended by another person commits a second degree misdemeanor,[1] and must pay an additional fine of $5, which is deposited in the Emergency Medical Services Trust Fund, which is used to improve and expand prehospital emergency medical services.[2]

Under s. 316.063(1), F.S., the driver of any vehicle which collides with, or is involved in a crash with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, must immediately stop and either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or must securely attach in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and must notify the nearest office of a duly authorized police authority.

A person who violates s. 316.063(1), F.S., by leaving the scene of a collision or crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, commits a second degree misdemeanor.

Crash Involving Death or Personal Injuries

Under s. 316.027(2), F.S., the driver of a vehicle involved in a crash occurring on public or private property which results in death or personal injury to another person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

[1] A second degree misdemeanor is punishable by up to six months in county jail and a $500 fine. *See* ss. 775.082 and 775.083, F.S.
[2] Section 401.113, F.S.

A person who violates s. 316.027(2), F.S., by leaving the scene of a crash involving death or personal injuries commits a:

- Third degree felony,[3] if the crash results in injury to a person other than serious bodily injury.[4]
- Second degree felony,[5] if the crash results in serious bodily injury to a person.[6]
- First degree felony,[7] if the crash results in the death of a person and must be sentenced to a four year mandatory minimum term of imprisonment.[8]

Notwithstanding the general requirements for restitution under s. 775.089(1)(a), F.S., the court must order a person who violates s. 316.027(2), F.S., to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution.[9,10] The Legislature added the restitution requirement to s. 316.027, F.S., in 2007.[11]

Restitution

Unless a court finds clear and compelling reasons not to order restitution, s. 775.089(1)(a), F.S., requires a court to order a defendant to make restitution to a victim for damage or loss:

- Caused directly or indirectly by the defendant's offense; and
- Related to the defendant's criminal episode.

The Florida Supreme Court has interpreted s. 775.089(1)(a), F.S., to require any damage for which restitution is ordered to bear a significant relationship to, and be directly or indirectly caused by, the convicted offense.[12]

III. Effect of Proposed Changes:

The bill amends s. 316.061(1), F.S., authorizing a court to order a driver who is convicted of leaving the scene of a crash, who caused or otherwise contributed to the crash, that resulted in damage to a vehicle or other property which is driven or attended by any person to make restitution to the owner of such vehicle or other property for any damage that was caused by the driver's vehicle.

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[3] A third degree felony is punishable by up to five years in prison and a $5,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.
[4] Section 316.027(2)(a), F.S.
[5] A second degree felony is punishable by up to 15 years in prison and a $10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.
[6] Section 316.207(2)(b), F.S.
[7] A first degree felony is punishable by up to 30 years in prison and a $10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.
[8] Section 316.027(2)(c), F.S.
[9] Section 316.207(2)(d), F.S.
[10] The court must also order payment to the Crimes Compensation Trust Fund (CCTF) under ch. 960, F.S., which covers expenses such as physical and mental health care and other compensable costs. Section 316.027(2), F.S., is the only leaving the scene offense that qualifies as a "crime" under s. 960.03(3)(b), F.S., and thus is the only leaving the scene offense for which a victim is eligible to receive an award from the CCTF and for which a court may order the defendant to pay restitution to the CCTF.
[11] Chapter 2007-211, Laws of Fla.
[12] See, e.g., *Glaubius v. State*, 688 So. 2d 913, 915 (Fla. 1997) (*citing State v. Williams*, infra note 12).

The bill takes effect October 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:

The bill may have an indeterminate positive fiscal impact on the private sector by authorizing a court to order a driver, who caused or otherwise contributed to the crash, is convicted of unlawfully leaving the scene of a crash to make restitution for any damage that he or she caused to another person's vehicle or other property.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.061 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 by Transportation on March 25, 2025:

- Authorizes, rather than requires, a court to order a driver to make restitution for specified damage.
- Specifies that the driver must have caused or otherwise contributed to the crash before a court is authorized to order restitution for specified damage.

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 Committee on Transportation; and Senator Arrington

596-02854-25 20251378c1

A bill to be entitled

An act relating to leaving the scene of a crash involving only damage to vehicle or property; amending s. 316.061, F.S.; authorizing a court to order a driver convicted of leaving the scene of a crash to make restitution for specified damage; providing an effective date.

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

Section 1. Subsection (1) of section 316.061, Florida Statutes, is amended to read:

316.061 Crashes involving damage to vehicle or property.—

(1) The driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such crash or as close thereto as possible, and shall forthwith return to, and in every event shall remain at, the scene of the crash until he or she has fulfilled the requirements of s. 316.062. A person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. <u>The court may order a driver convicted of a violation of this section, who caused or otherwise contributed to the crash, to make restitution to the owner of a vehicle or other property damaged in the crash for any damage that was caused by the driver's vehicle.</u> Notwithstanding any other provision of this section, $5 shall be added to a fine imposed pursuant to this section, which $5 shall be deposited in the Emergency Medical Services Trust

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

596-02854-25 20251378c1

Fund.

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

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

Florida Senate

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Vice Chair of Commerce & Tourism Committee

Appropriations Committee on Agriculture, Environment, and General Government

Appropriations Committee on Transportation, Tourism, and Economic Development

Environment and Natural Resources

Fiscal Policy

Governmental Oversight and Accountability

Transportation

April 2, 2025

The Honorable Kathleen Passidomo, Chair
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear President Passidomo,

I am respectfully requesting that you place CS/SB 1378, Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property, on the agenda for the next Rules committee meeting at your earliest opportunity.

This bill states that a court may order a driver convicted of a violation of this section, who caused or otherwise contributed to the crash, to make restitution to the owner of a vehicle or other property damaged in the crash by the driver's vehicle.

If you have any questions, please do not hesitate to reach me at (407) 973-4070. Thank you for your consideration in placing CS/SB 1378 on the next committee agenda.

Respectfully,

Senator Kristen Arrington

CC: The Honorable Shevrin Jones, Vice Chair
Tom Yeatman, Staff Director

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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 1400
INTRODUCER:	Commerce and Tourism Committee and Senator Calatayud
SUBJECT:	Removal of Altered Sexual Depictions Posted Without Consent
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	**Fav/CS**
2.	Parker	Stokes	CJ	**Favorable**
3.	Dike	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1400 amends s. 836.13, F.S., to require covered platforms, such as websites and online services, to remove altered sexual depictions and copies of such from their platform upon request of the victim. Upon receipt of the request, a covered platform has 48 hours to remove the altered sexual depiction. The bill requires covered platforms to provide clear notice of the platform's responsibilities under the bill, including the manner in which a person can submit a notification and request for removal of the altered sexual depiction. The bill identifies which platforms are bound by these requirements and provides liability protections for platforms' good faith efforts to remove altered sexual depictions. Further, the bill provides a remedy for violations, classifying a failure to follow these requirements as an unfair or deceptive act or practice under the Florida Deceptive and Unfair Trade Practices Act.

The bill takes effect upon becoming law.

II. Present Situation:

Nonconsensual Altered Sexual Depictions

Over the last decade, Americans have started to recognize the growing problem of distribution of sexually explicit images without consent, otherwise known as "revenge porn."[1] Although Florida and other states have enacted protections against revenge porn, there are still instances in which a person may be a victim of nonconsensual pornography in the form of altered sexual depictions, more commonly known as "deepfakes."[2] Deepfakes typically take the form of imagery, video, and audio material that "is produced or distributed without the consent of the subject and has been altered, potentially with artificial intelligence, to show nonconsensual intimate or explicit content."[3]Advancements in technology, such as increased availability and usage of generative AI, have enabled perpetrators to manipulate sexual materials in ways that circumvent revenge porn laws.[4] For example, "if a photo depicted the victim nude, where the victim's face was real, but the victim's genitals were computer generated, many laws would not apply because the intimate part of the image was not the victim's."[5]

Researchers have discovered that 98% of the deepfake videos found online are explicitly pornographic and 99% of deepfake pornography features women.[6] Moreover, the creation of deepfake pornography is rapidly increasing, as researchers found that there were 464% more deepfake pornographic videos created in 2023 than in 2022.[7] Further, 90% of deepfake pornography is found on dedicated deepfake pornography platforms.[8] In response to the prevalence of deepfakes, the Department of Homeland Security has declared that "[d]eepfakes and the misuse of synthetic content pose a clear, present, and evolving threat to the public across national security, law enforcement, financial, and societal domains."[9]

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[1] "In 2016, 10 million people, or 2% of Americans had reported being victims of nonconsensual porn. Individuals ages 18-29 generally, and women aged 18-29 specifically, as well as LGTBQ+ Americans were victimized at even higher rates. In 2017, the number of young Americans ages 18-29 who had become victims of nonconsensual porn jumped to 12%, an increase of over 100%. In 2019, a larger study suggests that the problem has only grown, showing a 400% increase in the number of victims from 2016. Taken as a whole, these statistics show the number of victims continues to rise at an alarming rate even though both the legal system and society as a whole have attempted to address the issue." Chance Carter, NAT'L ASS'N OF ATT'Y GEN., *An Update on the Legal Landscape of Revenge Porn*, available at https://www.naag.org/attorney-general-journal/an-update-on-the-legal-landscape-of-revenge-porn/#identifier_4_21493 (last visited March 28, 2025).

[2] RAINN, *RAINN's Recommendation for Effectively Addressing Nonconsensual Manipulated Intimate Material (Deepfakes)*, available at https://www.rainn.org/sites/default/files/import/RAINN%20on%20nonconsensual%20manipulated%20intimate%20material%20-%20Google%20Docs.pdf#:~:text=We%20refer%20to%20imagery%2C%20video%2C%20audio%2C%20etc.%20that,or%20explicit%20content%20as%20%E2%80%9Cnonconsensual%20manipulated%20intimate%20material%E2%80%9D (last visited Mar. 17, 2025).; *see also* DEPT. OF HOMELAND SEC., *Increasing Threat of Deepfake Identities*, https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited March 28, 2025).

[3] RAINN, *supra* note 2.

[4] RAINN, *supra* note 2.

[5] RAINN, *supra* note 2.

[6] Security Hero, *2023 State of Deepfakes*, available at https://www.securityhero.io/state-of-deepfakes/#concluding-remarks (last visited March 28, 2025).

[7] *Id.*

[8] *Id.*

[9] DEPT. OF HOMELAND SEC., *supra* note 2.

Altered Sexual Depictions under Florida Law

In 2022, the Florida Legislature created s. 836.13, F.S., to cover the gap in law in the law between revenge porn and nonconsensual altered sexual depictions. Nonconsensual altered sexual depictions are distinguishable from consensual pornography as the person being depicted has not given his or her consent and did not actually engage in the sexual behavior he or she is depicted as doing. Such depictions may exploit the depicted person for other's gratification and may cause emotional and reputational harm stemming from subsequent uses of the depiction and society's response to the person depicted.[10]

Section 836.13, F.S., defines "Altered sexual depiction" to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:[11]

- With the nude body parts of another person as the nude body parts of the identifiable person;
- With computer-generated nude body parts as the nude body parts of the identifiable person; or
- Engaging in sexual conduct as defined in s. 847.001, F.S.,[12] in which the identifiable person did not engage.

A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.[13]

The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.[14]

A person who is portrayed in such an altered sexual depiction without his or her consent may initiate a civil cause of action against a person who willfully and maliciously promoted such depiction and may obtain appropriate relief to prevent or remedy the promotion, including:

- Injunctive relief.

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[10] Mathew B. Kugler and Carly Pace, *Deepfake Privacy: Attitudes and Regulation, Northwestern University Law Review*, 2021 Vol 116:611, p. 624-25, https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1476&context=nulr (last visited March 19, 2025).

[11] Section 836.13(1)(b), F.S., defines "Identifiable person" to mean a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

[12] Section 847.001(19), F.S., defines "Sexual conduct" to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

[13] A third degree felony is punishable by a term of imprisonment up to 5 years and a $5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

[14] Section 836.13(4), F.S.

- Monetary damages to include $10,000 or actual damages incurred.
- Reasonable attorney fees and costs.[15]

Florida Deceptive and Unfair Trade Practices Act

It is unlawful under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), ss. 501.201-501.213, F.S., for a party to take part in "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts of practices in the conduct of any trade or commerce."[16] Such practices include fraudulent billing,[17] misleading a consumer or misrepresenting a product's characteristics,[18] or other behavior determined to be unfair by a court.[19] Under the FDUTPA, the Office of the State Attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate violations of the FDUTPA.[20] In addition to other remedies under state and federal law, the enforcing authority may bring actions for declaratory judgment, injunctive relief, actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties up to $10,000 per violation.[21] Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief when the consumer is aggrieved by a FDUTPA violation; or
- Actual damages, attorney fees, and court costs, when the consumer has suffered a loss due to the FDUTPA violation.[22]

III. Effect of Proposed Changes:

Required Removal Procedure

CS/SB 1400 requires that no later than December 31, 2025, covered platforms establish a process by which a person may notify and request removal of an altered sexual depiction[23] that was published without their consent. The notification and request for removal must include, in writing:

- A physical or electronic signature of the identifiable person or an authorized person acting on their behalf.
- An identification of, and information reasonably sufficient for the covered platform to locate, the altered sexual depiction of the identifiable person.

[15] Section 836.13(5), F.S.
[16] Section 501.204, F.S.
[17] *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).
[18] *Lewis v. Mercedes-Benz USA, LLC*, 530 F. Supp. 3d 1183 (S.D. Fla. 2021); *Marty v. Anheuser-Busch Companies, LLC*, 43 F. Supp. 3d 1333 (S.D. Fla. 2014).
[19] *See Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).
[20] The enforcing authority under the FDUTPA may "administer oaths and affirmations, subpoena witnesses or matter, and collect evidence." Section 501.206, F.S.
[21] Sections 501.207, 501.2077, 501.2075, 501.208, F.S.
[22] Sections 501.2105, 501.211, F.S.
[23] "Altered sexual depiction" means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person: 1. With the nude body parts of another person as the nude body parts of the identifiable person; 2. With computer-generated nude body parts as the nude body parts of the identifiable person; or 3. Engaging in sexual conduct as defined in s. 847.001, F.S., in which the identifiable person did not engage. Section 836.13, F.S.

- A brief statement that the identifiable person has a good faith belief that any altered sexual depiction identified is not consensual, including any relevant information for the covered platform to determine the depiction was published without consent.
- Information sufficient to enable the covered platform to contact the person.

Upon receipt of a valid removal request, within 48 hours the covered platform must remove the altered sexual depiction and make reasonable efforts to identify and remove any known, identical copies of such depiction.

Clear and Conspicuous Notice

The bill requires a covered platform to provide clear and conspicuous notice of the notice and removal process, which:
- Is easy to read and is in plain language.
- Provides information regarding the responsibilities of the covered platform under this bill.
- Includes a description of how a person can submit a notification and request for removal.

Covered Platforms

Under the bill, "covered platform" means a website, online service, online application, or mobile application that serves the public and:
- Primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or
- For which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual altered sexual depictions.

The bill explicitly does not apply to:
- A provider of information service or telecommunications service, as defined in 47 U.S.C. s. 153, for content provided by another person.
- Electronic mail.
- Except as otherwise provided, an online service, application, or website:
  - That consists primarily of preselected content by the provider, rather than content that is user generated; and
  - For which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described above.

Liability

The bill provides that a covered platform shall not be found liable for any claim based on the platform's good faith removal of material claimed to be a nonconsensual altered sexual depiction, regardless of whether the altered sexual depiction is ultimately found to be unlawful.

Remedies

In addition to the remedies provided in s. 836.13(5), F.S., a failure to comply with the notice and removal requirements of the bill constitutes an unfair or deceptive act or practice under the FDUTPA.

Effective Date

The bill takes effect upon becoming law.

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:

Covered platforms will need to comply with the notification and removal requirements in the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 836.13 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 Commerce and Tourism on March 17, 2024:
The committee substitute excludes providers of information service or telecommunications service, for content provided by another person, from the covered platforms under this 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.

By the Committee on Commerce and Tourism; and Senator Calatayud

577-02484-25 20251400c1

A bill to be entitled

An act relating to removal of altered sexual depictions posted without consent; providing a short title; amending s. 836.13, F.S.; defining the term "covered platform"; requiring covered platforms to establish a process by a specified date for removal of altered sexual depictions posted without the consent of the identifiable person; providing requirements for such process; requiring notice of such a process; providing immunity for good faith compliance; prohibiting unreasonable failure to comply; providing for penalties and remedies; providing exceptions; providing an effective date.

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

Section 1. This act may be cited as "Brooke's Law."

Section 2. Present paragraphs (b) through (e) of subsection (1) of section 836.13, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, a new paragraph (b) is added to that subsection, and present subsections (6), (7), and (8) of that section are redesignated as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to that section, to read:

836.13 Promotion of an altered sexual depiction; prohibited acts; penalties; applicability.—

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

(b) "Covered platform" means a website, an online service, an online application, or a mobile application that serves the public and:

1. That primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or

2. For which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual altered sexual depictions.

(6)(a) No later than December 31, 2025, a covered platform shall establish a process whereby an identifiable person or an authorized person acting on behalf of such person may:

1. Notify the covered platform of an altered sexual depiction published on the covered platform which includes a depiction of the identifiable person and was published without the consent of the identifiable person; and

2. Submit a request for the covered platform to remove such altered sexual depiction.

(b) A notification and request for removal of an altered sexual depiction submitted under the process in paragraph (a) must include, in writing:

1. A physical or electronic signature of the identifiable person or authorized person.

2. An identification of, and information reasonably sufficient for the covered platform to locate, the altered sexual depiction of the identifiable person.

3. A brief statement that the identifiable person has a good faith belief that any altered sexual depiction identified under subparagraph 2. is not consensual, including any relevant information for the covered platform to determine whether the

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altered sexual depiction was published without the consent of the identifiable person.

4. Information sufficient to enable the covered platform to contact the identifiable person or authorized person.

(c) A covered platform shall provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under paragraph (a) which:

1. Is easy to read and in plain language.

2. Provides information regarding the responsibilities of the covered platform under this subsection, including a description of how a person can submit a notification and request for removal.

(d) Upon receiving a valid removal request from an identifiable person or an authorized person using the process described in paragraph (a), a covered platform shall, as soon as possible, but not later than 48 hours after receiving such request:

1. Remove the altered sexual depiction.

2. Make reasonable efforts to identify and remove any known identical copies of such altered sexual depiction.

(e) A covered platform is not liable for any claim based on the covered platform's good faith disabling of access to, or removal of, material claimed to be a nonconsensual altered sexual depiction based on facts or circumstances from which the unlawful publishing of an altered sexual depiction is apparent, regardless of whether the altered sexual depiction is ultimately determined to be unlawful.

(f) In addition to the remedies under subsection (5), a failure to reasonably comply with the notice and removal obligations under this subsection shall be treated as an unfair or a deceptive act or practice under part II of chapter 501, and the person or entity responsible shall be subject to the penalties and remedies provided in part II of chapter 501.

(g) This subsection does not apply to the following:

1. A provider of information service or telecommunications service, as those terms are defined in 47 U.S.C. s. 153, for content provided by another person.

2. Electronic mail.

3. Except as provided in subparagraph (1)(b)2., an online service, application, or website:

a. That consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website; and

b. For which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described in sub-subparagraph a.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1st, 2025

I respectfully request that **CS/SB 1400: Removal of Altered Sexual Depictions Posted Without Consent** be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

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 1430
INTRODUCER:	Criminal Justice Committee and Senator Collins
SUBJECT:	Postjudgment Execution Proceedings Relating to Terrorism
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Favorable**
2.	Cellon	Stokes	CJ	**Fav/CS**
3.	Bond	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1430 expands current law remedies available to a victim of international terrorism to collect a civil judgment against a terrorist party or an agency or instrumentality of a terrorist. The bill authorizes creditor process to be served upon any person or entity over whom the court has jurisdiction, thereby subjecting the assets to Florida jurisdiction. A Florida court enforcing a terrorism victim's anti-terrorism judgment may garnish intangible assets wherever they are located, without territorial limitation. If these intangible assets are traceable to the terrorist judgment debtor they are subject to execution, garnishment, and turnover by a United States securities custodian or intermediary. In addition, if an electronic funds transfer is currently being held by an intermediary and either the sender or recipient is the terrorist judgment debtor or a related party, the funds are deemed to be property of the terrorist judgment debtor and subject to seizure to apply against the judgment.

The bill applies to any postjudgment execution proceeding served, or filed before, on, or after July 1, 2025, the effective date of the bill.

The bill is effective upon becoming a law.

II. Present Situation:

Civil Judgment Collections Process

The court's entry of a final judgment is not the end of a civil case. A final civil judgment awarding money damages does not automatically put money in the hands of the prevailing party, referred to as the judgment creditor. A final judgment merely gives the judgment creditor the legal right to seek out assets of the judgment debtor and forcibly sell or transfer those assets to or for the benefit of the judgment creditor. This is commonly referred to as the collections process.

There are several means for a judgment debtor to forcibly attempt to collect the judgment. The primary means of collection are:

- Execution – An "execution" is the lawful seizure of property owned by the judgment debtor to be sold at public auction. The net proceeds of an execution on property are paid to the judgment creditor to be applied against the debt. Execution applies to real property and personal property. Execution and sale are conducted by the sheriff.[1]
- Garnishment – A "garnishment" is the seizure of monies owed to the judgment debtor, which money is then paid to the judgment creditor to be applied against the debt. Common targets of a garnishment are bank accounts and wages.[2]
- Proceedings Supplementary – Proceedings supplementary is a collections tool created by statute. When any judgment creditor holds an unsatisfied judgment or judgment lien, the judgment creditor may file a motion asking for proceedings supplementary. In the proceeding, the court may issue a Notice to Appear to the judgment debtor or to any person alleged to be holding property of the judgment debtor, or to any person who may have property that was fraudulently transferred by the judgment debtor to that third party. After the hearing, the court may order the sheriff to execute on property found to be owned by the judgment debtor, or found to have been fraudulently conveyed by the judgment debtor, for sale for the benefit of the judgment creditor.[3]

While collection actions are primarily focused on assets of the judgment debtor, there may be occasions where property titled or held in the name of another may be seized in payment of the judgment. This occurs where the judgment debtor has fraudulently transferred the property to a third party in an attempt to thwart collection of the judgment. It also occurs if a third party owes money to the judgment debtor or if legal title or possession of property is held by a person or entity who is conspiring with the judgment debtor to hide or conceal assets of the judgment debtor. Florida has adopted the Uniform Fraudulent Transfer Act to address these situations.[4]

Terrorism

"Terrorism" or "terrorist activity" as defined in s. 775.30, F.S., mean an activity that:

- Involves:
  - A violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

[1] The civil execution process is governed by ch. 56, F.S.
[2] The garnishment process is generally governed by ch. 77, F.S.
[3] Section 56.29, F.S.
[4] Chapter 726, F.S.

  - A violation of s. 815.06, F.S. (offenses against computer users); and
- Is intended to:
  - Intimidate, injure, or coerce a civilian population;
  - Influence the policy of a government by intimidation or coercion; or
  - Affect the conduct of a government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

A person who commits the offenses specified in s. 775.30(2), F.S., in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a first degree felony.[5] A person who commits a violation of s. 775.30(2), F.S., which results in death or serious bodily injury commits a life felony.[6]

Civil Remedy for Victims of Acts of Terrorism

Section 772.13, F.S., authorizes a person who is injured by an act of terrorism, or by an act facilitating or furthering terrorism to pursue a cause of action for threefold the actual damages sustained. If the person prevails in the action, he or she is entitled to minimum damages in the amount of $1,000 and reasonable attorney fees and court costs in the trial and appellate courts. Federal law authorizes a similar civil cause of action for acts of terrorism under 18 U.S.C. s. 2333.

Collecting a Judgment Against a Terrorist

Victims of terrorism currently holding unsatisfied judgments against terrorists report that their collection efforts are being hindered by the courts. Once a judgment is entered against a terrorist party, the ability to collect on the judgment is complicated by the nature of the international transactions and the complex processes such criminal organizations use to hide, launder, and transfer assets. Collection is also hindered by traditional limits on the jurisdiction of the courts and banking laws that provide for bank seizure and hold of funds related to a terrorist but do not provide a means for creditor process against the seized funds. For instance, the courts have adopted the position that a bank account has a situs, the court must have in rem jurisdiction over the bank, and the mere act of maintaining physical branch banks in Florida does not give a Florida court jurisdiction to garnish the account.[7]

III. Effect of Proposed Changes:

CS/SB 1430 amends the statute relating to civil remedies for terrorism to increase the available remedies for a victim of terrorism to use to collect on a judgment entered against a terrorist party or associate of a terrorist party. The bill makes it easier for a victim to collect on a judgment in a postjudgment execution proceeding entered against a terrorist party under Florida law as well as under 18 U.S.C. s. 2333 or a substantially similar federal law. Further, the bill permits

[5] A first degree felony is punishable by up to 30 years' imprisonment and a $10,000 fine. Sections 775.082 and 775.083, F.S.
[6] A life felony is punishable by up to life imprisonment or a term of years not exceeding life and a $15,000 fine. Sections 775.082 and 775.083, F.S.
[7] *Power Rental Op Co, LLC v. Virgin Islands Water & Power Auth*., No. 3:20-CV-1015-TJC-JRK, 2021 WL 9881137, at *8 (M.D. Fla. July 6, 2021).

enforcement in any postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to section 201(a) of the federal Terrorism Risk Insurance Act.[8]

The bill provides that creditor process issued under ch. 56, F.S., (final process) or ch. 77, F.S., (garnishment) may be served upon any person or entity over whom the court has personal jurisdiction. Under the bill, writs of garnishment issued under s. 77.01, F.S., and proceedings supplementary under s. 56.29, F.S., apply to intangible assets wherever they are located, including bank accounts, financial assets, or other intangible property. A Florida court enforcing a terrorism victim's anti-terrorism judgment may garnish intangible assets wherever they are located, so long as the garnishee is subject to personal jurisdiction in the state of Florida. Further, the situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served is deemed to be in Florida for the purposes of a final process or garnishment proceeding. Under the bill, service of a writ or notice to appear provides the court with in rem jurisdiction over any intangible assets regardless of the physical location, if any, of the assets.

The bill allows a creditor to reach a terrorist debtor's interest within a financial asset or security entitlement by legal process through the securities intermediary[9] or financial institution with whom the debtor's account is maintained. If the securities intermediary is a foreign entity, legal process may be served upon the United States securities custodian or intermediary that has reported holding or maintaining the blocked financial assets or security entitlement to the Office of Foreign Assets Control of the United States Department of the Treasury.[10] These financial assets or security entitlements are subject to execution, garnishment, and turnover by the U.S. securities custodian or intermediary.

If an electronic funds transfer ("EFT") is not completed within 5 banking days[11] and is cancelled because a U.S. intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary of the EFT, the blocked funds are deemed owned by the terrorist party or its agency or instrumentality, and thus, are subject to execution and garnishment.

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[8] 28 U.S.C. s. 1610.

[9] A securities intermediary is defined in s. 678.1021(1)(n), F.S., as a clearing corporation or a person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity. A clearing corporation is defined in s. 678.1021(1)(e), F.S., as a person that is registered as a "clearing agency" under the federal securities laws; a federal reserve bank; or any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority.

[10] The Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States. https://ofac.treasury.gov/ (last visit March 26, 2025).

[11] The 5-day period is prescribed by s. 670.211(4), F.S.

The bill is effective upon becoming a law and applies to any postjudgment execution proceeding served or filed before, on, or after that date.

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 has the potential for a significant positive fiscal impact on private citizens seeking to collect judgments against an international terrorist party or affiliate thereof.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 772.13 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 April 1, 2025:
Amends the effective date to "upon becoming a law."

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 Committee on Criminal Justice; and Senator Collins

591-03136-25 20251430c1

A bill to be entitled

An act relating to postjudgment execution proceedings relating to terrorism; amending s. 772.13, F.S.; providing additional requirements for postjudgment execution proceedings to enforce judgments entered against terrorist parties under specified provisions; providing retroactive application of specified provisions; providing an effective date.

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

Section 1. Subsection (6) of section 772.13, Florida Statutes, is amended to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08; ~~and~~

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the

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

591-03136-25 20251430c1

United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security

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

entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

(b) Paragraph (a) applies to any postjudgment execution proceedings, including creditor process under chapter 56 or chapter 77 served, ~~judgment collectible under state law and to any civil action~~ pending, or filed before, on, or after July 1, 2025 ~~June 20, 2023~~.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1430**, relating to Postjudgment Execution Proceedings Relating to Terrorism, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

8 Apr 25	SB 1430
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Christopher Holtz Phone 504-234-8857

Address 2020 Pennsylvania Ave Email holtzy@center-for-security-policy.org
Street

Washington DC 20006
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:

Center for Security Policy

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

4/8/25
Meeting Date

Rules
Committee

1430
Bill Number or Topic

Amendment Barcode (if applicable)

Name Foyt Ralston

Phone 850 294 5390

Address 218 S. Monroe St
Street

Email foyt@foytralston.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 Justice 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. 2020-2022JointRules.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

April 8, 2025
Meeting Date

Rules
Committee

SB 1430
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andrew Ketchel

Phone 222-8075

Address 124 W Jefferson Street
Street

Email andrew@ceccfla.com

Tallahassee
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. 2020-2022JointRules.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 1546
INTRODUCER:	Rules Committee; Criminal Justice Committee and Senator Grall
SUBJECT:	Background Screening of Athletic Coaches
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Favorable**
2.	Vaughan	Stokes	CJ	**Fav/CS**
3.	Looke	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1546 amends s. 943.0438, F.S., to extend the date for requiring a Level 2 background screening for athletic coaches from January 1, 2025, to, at the latest, July 1, 2026.

The bill provides that an independent sanctioning authority is considered a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse.

The bill provides that a person who has not been background screened may act as an athletic coach if he or she is under the direct supervision of an athletic coach who meets the screening requirements.

The bill takes effect upon becoming law.

II. Present Situation:

Background Screening

Florida provides standard procedures for screening a prospective employee[1] where the Legislature has determined it is necessary to conduct a criminal history background check to

[1] Section 435.02(2), F.S., defines "employee" to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.

protect vulnerable persons.[2] Chapter 435, F.S., establishes procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: Level 1 and Level 2.

- Level 1 screening includes, at a minimum, employment history checks, statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website,[3] and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.[4]
- Level 2 screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[5]

Florida law authorizes and outlines specific elements required for Level 1 and Level 2 background screening and establishes requirements for determining whether an individual passes a screening regarding an individual's criminal history. All individuals subject to background screening must be confirmed to have not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent, and the record has not been sealed or expunged for, any of the offenses prohibited under Florida law.[6]

Background Screening of Youth Athletic Team Coaches

An independent sanctioning authority is a private, non-governmental entity that organizes, operates, or coordinates a youth athletic team in Florida which includes one or more minors and is not affiliated with a private school.[7] Beginning January 1, 2025, an independent sanctioning authority is required to conduct a Level 2 background screening of each current and prospective athletic coach. The authority is not authorized to delegate the responsibility to conduct the required screening to an individual team and may not authorize any person to serve as an athletic coach[8] unless a Level 2 screening has been conducted, and the screening does not result in his or her disqualification.

Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration (AHCA), the authority must disqualify any person who does not pass the background screening qualifications established in s. 435.04, F.S., from acting as an athletic coach except that the authority may authorize such person to serve as an athletic coach if the person meets the requirements for an exemption in s. 435.07, F.S. Additionally, on or after

[2] Chapter 435, F.S.
[3] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. Available at www.nsopw.gov (last visited March 28, 2025).
[4] Florida Department of Law Enforcement, State of Florida Criminal History Records Check. Available at http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx (last visited March 28, 2025).
[5] Section 435.04(1)(a), F.S.
[6] Section 435.04(2), F.S.
[7] Sections 1002.01 and 943.0438(1)(b), F.S.
[8] "Athletic coach" means a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for whether for compensation or as a volunteer, for a youth athletic team in this state; and has direct contact with one or more minors on the youth athletic team. Section 943.0438(1)(a), F.S.

January 1, 2026, or a later date as determined by the AHCA, an authority may not allow any person to act as an athletic coach if he or she does not pass the required background screening except that the authority may allow such a person to serve if he or she successfully completes the exemption process under s. 435.07, F.S.

Timing of Athletic Coach Background Screening Requirements

In 2014, the Legislature expanded background screening requirements for athletic coaches, assistant coaches, and referees of independent sanctioning authorities and allowed a background screening conducted by a commercial consumer reporting agency in compliance with federal standards to satisfy the state level requirement so long as such screening includes a Level 1 background screening and a search against the state and federal registries of sexual predators and sexual offenders to meet the requirements under s. 943.0438, F.S.[9]

In 2023, the Legislature updated the required background screening for athletic coaches to require that they pass a Level 2 background screening and, by January 1, 2026, be included in the background screening clearinghouse[10] run by the AHCA.[11] The Legislature further amended this requirement in 2024 to extend the start date for the requirement for the authority to begin conducting the Level 2 background screenings to January 1, 2025.[12]

Care Provider Background Screening Clearinghouse

In 2012, the Florida Legislature created a Care Provider Background Screening Clearinghouse (Clearinghouse). The purpose of the Clearinghouse is to provide a single data source for background screening results of persons required to be screened by law for employment in positions that provide services to children, the elderly, and disabled individuals. The Clearinghouse shall allow the results of criminal history checks to be shared among specified agencies when a person has applied to volunteer, be employed, be licensed, or enter into a contract that requires a state and national fingerprint-based criminal history check.[13,14]

III. Effect of Proposed Changes:

The bill amends s. 943.0438, F.S., to extend the date for requiring a Level 2 background screening for athletic coaches from January 1, 2025, to, at the latest, July 1, 2026.

The bill provides that an independent sanctioning authority is considered a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse.

The bill provides that a person who has not been background screened may act as an athletic coach if he or she is under the direct supervision of an athletic coach who meets the screening requirements.

[9] Chapter 2014-9, L.O.F.
[10] Section 435.12, F.S.
[11] Chapter 2023-220, L.O.F.
[12] Chapter 2024-243, L.O.F.
[13] Section 435.12, F.S.
[14] Florida Agency for Health Care Administration, *Care Provider Background Screening Clearinghouse*, available at https://ahca.myflorida.com/site/health-quality-assurance/bureau-of-central-services/background-screening/clearinghouse/care-provider-background-screening-clearinghouse (last visited April 1, 2025).

The bill takes effect upon becoming law.

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 section 943.0438 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 April 8, 2025:
The committee substitute:

- Removes the change made in the bill that a person must work more than 20 hours to meet the definition of "athletic coach" and retains the current law definition.
- Clarifies that an independent sanctioning authority, and not the AHCA, must enforce background screening requirements.
- Allows any person, not just people under the age of 16, to act as an athletic coach without obtaining a background screening if the person is directly supervised by an athletic coach who meets the background screening requirements.

CS by Criminal Justice on April 1, 2025:
The amendment:

- Amends the definition of "athletic coach" to provide that a person must work more than 20 hours in a calendar year to meet the definition.
- Provides that an independent sanctioning authority be considered a qualified entity for purposes of participating in the Care provider Background Screening Clearing house.
- Provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

B. Amendments:

None.

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

813550

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 36 - 64

and insert:

(a) No later than July 1, 2026:

1. ~~Effective January 1, 2025,~~ Conduct a level 2 background screening under s. 435.04 of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 background screening is conducted and does not result in disqualification

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under subparagraph 3 ~~paragraph (b)~~.

2.~~(b)1.~~ Be considered a ~~Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration for the participation of~~ qualified entity for purposes of participating ~~entities~~ in the Care Provider Background Screening Clearinghouse under s. 435.12~~, disqualify any person from acting as an athletic coach as provided in s. 435.04~~. ~~The authority may allow a person disqualified under this subparagraph to act as an athletic coach if it determines that the person meets the requirements for an exemption from disqualification under s. 435.07.~~

3.~~2. On or after January 1, 2026, or a later date as determined by the Agency for Health Care Administration,~~ Not allow a ~~any~~ person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04. The authority may allow a person disqualified under this subparagraph to act as an athletic coach if the person has successfully completed the exemption from the disqualification process under s. 435.07.

(5) Notwithstanding paragraph (2)(a), a person who has not undergone background screening pursuant to this section may act as an athletic coach if he or she is under the direct supervision of an

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

And the title is amended as follows:

Delete lines 5 - 14

and insert:

date by which an independent sanctioning authority is

813550

required to conduct certain background screenings of athletic coaches; providing that an independent sanctioning authority shall be considered a qualified entity for the purpose of participating in the Care Provider Background Screening Clearinghouse no later than a specified date; prohibiting an independent sanctioning authority from allowing certain persons to act as athletic coaches beginning on a specified date; authorizing a person who has not undergone certain background screening to act as an athletic coach if he or she is under the direct supervision of an athletic coach who meets

396786

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment

Delete lines 29 - 30
and insert:
work as a coach, an assistant coach, a manager, or a referee, whether for compensation

By the Committee on Criminal Justice; and Senator Grall

591-03135-25 20251546c1

A bill to be entitled

An act relating to background screening of athletic coaches; amending s. 943.0438, F.S.; revising the definition of the term "athletic coach"; revising the effective date upon which an independent sanctioning authority is required to conduct certain background screenings of athletic coaches; providing that an independent sanctioning authority is considered a qualified entity for the purpose of participating in the Care Provider Background Screening Clearinghouse; prohibiting the Agency for Health Care Administration from allowing certain persons to act as athletic coaches; requiring that certain persons be under the direct supervision of an athletic coach who meets certain background screening requirements; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 943.0438, Florida Statutes, are amended, and subsection (5) is added to that section, to read

943.0438 Athletic coaches for independent sanctioning authorities.—

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

(a) "Athletic coach" means a person who:

1. Is authorized by an independent sanctioning authority to work as a coach, an assistant coach, a manager, or a referee for

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

591-03135-25 20251546c1

more than 20 hours in a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state; and

2. Has direct contact with one or more minors on the youth athletic team.

(2) An independent sanctioning authority shall:

(a) Effective July 1, 2026 ~~January 1, 2025~~, conduct a level 2 background screening under s. 435.04 of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 background screening is conducted and does not result in disqualification under paragraph (b).

(b)~~1.~~ Be considered a ~~Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration for the participation of~~ qualified entity for purposes of participating ~~entities~~ in the Care Provider Background Screening Clearinghouse under s. 435.12~~, disqualify any person from acting as an athletic coach as provided in s. 435.04. The authority may allow a person disqualified under this subparagraph to act as an athletic coach if it determines that the person meets the requirements for an exemption from disqualification under s. 435.07.~~

~~2. On or after January 1, 2026, or a later date as determined by~~ The Agency for Health Care Administration may~~,~~ not allow a ~~any~~ person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04. The authority may allow a person disqualified under this paragraph ~~subparagraph~~ to act as an athletic coach if the person

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

has successfully completed the exemption from the disqualification process under s. 435.07.

(5) A person under the age of 16 who is acting as a coach, an assistant coach, a manager, or a referee, whether for compensation or as a volunteer, for a youth athletic team based in this state must be under the direct supervision of an athletic coach who meets the background screening requirements of this section.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1546**, relating to Background Screening of Athletic Coaches, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

4-8-25

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

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

1546

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sean Stafford Phone

Address 115 Fl. Park Email

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:

Florida Youth Soccer 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. 2020-2022JointRules.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 1640
INTRODUCER:	Rules Committee; Governmental Oversight and Accountability Committee and Senator Grall
SUBJECT:	Public Records/Lethality Assessment Forms
DATE:	April 8, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Favorable**
2.	McVaney	McVaney	GO	**Fav/CS**
3.	Wyant	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1640 makes confidential and exempt from public records copying and inspection requirements a lethality assessment form which contains a victim's information and responses to a lethality assessment. Lethality assessments are used to determine a victim's risk of serious bodily injury or death at the hands of an aggressor and are administered by law enforcement for any call relating to intimate partner violence. The information may be shared with domestic violence centers and to the state attorney's office. The state attorney is authorized to release the confidential information in furtherance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law. The exemption applies to forms completed before, on, and after the date the exemption takes effect.

This exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution, and, because it creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill may increase costs minimally for state and local government agencies.

The bill takes effect upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[1] The right to inspect or copy 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 related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[3] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[4] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[5]

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 that are used to "perpetuate, communicate, or formalize knowledge of some type."[6]

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[1] FLA. CONST. art. I, s. 24(a).
[2] *Id*.
[3] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).
[4] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[5] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
[6] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc*., 379 So. 2d 633, 640 (Fla. 1980).

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 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]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[9] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[10]

General exemptions from the public records requirements are contained in the Public Records Act.[11] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[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]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[16] (the act), prescribe a legislative review process for newly created or substantially amended[17] public records or open meetings exemptions, with specified exceptions.[18] The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in

[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*. *See, e.g.*, *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).
[11] *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).
[12] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[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).
[16] Section 119.15, F.S.
[17] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[18] 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.

order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.[19] 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.[20] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the 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 subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;[21]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[22] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[23]

The Act also requires specified questions to be considered during the review process.[24] 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.[25] If the exemption is continued without substantive changes or if the exemption is continued and 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.[26]

[19] Section 119.15(3), F.S.
[20] Section 119.15(6)(b), F.S.
[21] Section 119.15(6)(b)1., F.S.
[22] Section 119.15(6)(b)2., F.S.
[23] Section 119.15(6)(b)3., F.S.
[24] 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?

[25] *See generally* s. 119.15, F.S.
[26] Section 119.15(7), F.S.

Lethality Assessments

Florida is the second state to pass legislation mandating law enforcement to administer a lethality assessment when speaking with suspected domestic violence victims. The bill, also known as the Gabby Petito Act, was passed in 2024.[27]

To administer a lethality assessment, a law enforcement officer must ask a series of questions which, in part, include:[28]

- Did the aggressor ever use a weapon against you or threaten you with a weapon?
- Did the aggressor ever threaten to kill you or your children?
- Has the aggressor ever choked you or attempted to choke you?

All law enforcement officers are required to receive instruction on the policies and procedures for administering a lethality assessment as part of basic recruit training or as part of the required instruction continued for employment. A law enforcement officer may not administer a lethality assessment to a victim if the officer has not received training. Each law enforcement agency must ensure that all its sworn personnel have completed the training by October 1, 2026.[29]

A law enforcement officer must advise the victim of the results of the lethality assessment and refer the victim to the nearest locally certified domestic violence center if certain criteria are met.[30] A law enforcement officer may not include in a probable cause statement, written police report, or incident report the domestic violence center to which a victim was referred.[31]

III. Effect of Proposed Changes:

The bill amends s. 741.29, F.S., to make confidential and exempt from public records disclosure requirements a lethality assessment form that contains a victim's information and responses to a lethality assessment. The information may be shared with domestic violence centers. Additionally, a lethality assessment may be shared with the state attorney's office. The state attorney is authorized to release the confidential information in furtherance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law. The exemption applies to forms completed before, on, and after the date the exemption takes effect.

The exemption is subject to the Open Government Sunset Review Act will expire on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Additionally, the bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of

[27] Herald-Tribune, *Law enforcement discusses Gabby Petito Act*, (March 7, 2025), https://www.heraldtribune.com/story/news/courts/2025/03/07/sarasota-county-law-enforcement-talks-gabby-petito-act-family-feuds/80532980007/ (last visited March 28, 2025).
[28] Section 741.29(2)(e), F.S.
[29] Section 741.29(2)(b), F.S.
[30] Section 741.29(2)(f), F.S.
[31] Section 741.29(2)(h), F.S.

abuse. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is protected from disclosure.

The bill takes effect upon becoming law.

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 requirements. This bill enacts a new exemption for records pertaining to a lethality assessment form that contains a victim's information and responses; therefore, the bill requires a two-thirds vote of each chamber 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 requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

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 victims of domestic violence, and the bill exempts only records pertaining to lethality assessments from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

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:

This bill may cause a minimal increase in workload on agencies holding records that contain victim information and responses to a lethality assessment. However, the workload will likely be absorbed within current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 741.29 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 April 8, 2025:
The committee substitute allows for the disclosure of the lethality assessment form to the state attorney's office. The state attorney is authorized to share confidential information in furtherance of official duties and responsibilities, and to the parties in a pending criminal prosecution.

CS by Governmental Oversight and Accountability on April 1, 2025:
The committee substitute changes the effective date to "upon becoming a law," applies the exemption retroactively, allows the confidential and exempt information to be shared with domestic violence centers, and prohibits sharing the information with the state attorney's office.

B. Amendments:

None.

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

616426

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
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	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 53 - 55
and insert:
on such form as confidential. A lethality assessment form may be disclosed to the Office of the State Attorney. The state attorney may release the confidential information in furtherance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law. This

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

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And the title is amended as follows:

Delete lines 7 - 9

and insert:

form to a domestic violence center; authorizing the disclosure of a lethality assessment form to the Office of the State Attorney for the purpose of prosecution; providing for future

By the Committee on Governmental Oversight and Accountability; and Senator Grall

585-03152-25 20251640c1

A bill to be entitled

An act relating to public records; amending s. 741.29, F.S.; providing an exemption from public records requirements for a lethality assessment form that contains certain information and responses; authorizing the disclosure of a lethality assessment form to a domestic violence center; prohibiting the disclosure of such information and responses to a state attorney's office; providing for future legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (2) of section 741.29, Florida Statutes, to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(2) The department shall consult with the Department of Children and Families, the Florida Sheriffs Association, the Florida Police Chiefs Association, the Florida Partnership to End Domestic Violence, and at least two domestic violence advocacy organizations to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide

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

585-03152-25 20251640c1

process for referring a victim to a certified domestic violence center. The group must review the questions in paragraph (e) and make a recommendation as to whether all questions should be included in the statewide lethality assessment instrument and form. By January 1, 2025, the department must adopt a statewide lethality assessment instrument and form. If a question in paragraph (e) is eliminated from the assessment, the department must confirm that the remaining or altered questions constitute an evidence-based lethality assessment. By January 31, 2025, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results and recommendations of the group, including any proposed statutory changes that are necessary for implementation of a statewide lethality assessment. Training on how to administer a lethality assessment and the approved lethality assessment form must be accessible to a law enforcement officer in an online format.

(i) A lethality assessment form that contains a victim's information and responses to the lethality assessment completed on, before, or after January 1, 2025, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A lethality assessment form may be disclosed to a domestic violence center, as defined in s. 39.902, and the domestic violence center must treat the form and the information on such form as confidential. However, the victim's information and responses on a lethality assessment form may not be disclosed to, or used by, a state attorney's office. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment

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

by the Legislature.

Section 2. The Legislature finds that it is a public necessity that a lethality assessment form that contains a victim's information and responses to the lethality assessment be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. Such information contained on a lethality assessment form is sensitive in nature. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is protected from public disclosure. The Legislature finds that the harm that may result from the release of such information outweighs the public benefit that may be derived from the disclosure of the information.

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

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

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 1666
INTRODUCER:	Rules Committee; Commerce and Tourism Committee and Senator Grall
SUBJECT:	Uniform Commercial Code
DATE:	April 8, 2025 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1666 substantially amends and creates new sections of Florida's Uniform Commercial Code (UCC) to incorporate financial transactions involving cryptocurrencies and other emerging technologies. The UCC is a comprehensive set of laws governing all commercial transactions in the U.S. These changes revise Florida law to encompass new technologies that do not fit into the current statutory scheme for commercial contracts.

The bill takes effect July 1, 2025.

II. Present Situation:

Uniform Commercial Code

The model Uniform Commercial Code (UCC) was created to provide a uniform set of rules governing commercial contracts and related financial transactions across jurisdictions.[1] Because it is a model code, its provisions must be enacted by individual state legislatures as state statutes to take legal effect within those jurisdictions. Some variation of the UCC has been adopted in every U.S. state, the District of Columbia, Puerto Rico, and the Virgin Islands.[2] The UCC fills in

[1] *See* Uniform Law Commission, *Uniform Commercial Code*, https://www.uniformlaws.org/acts/ucc (last visited Apr. 8, 2025).
[2] Duke University, *Uniform Commercial Code*, at 1, available at https://law.duke.edu/sites/default/files/lib/ucc.pdf (last visited Apr. 8, 2025).

the gaps on issues not otherwise addressed in contracts and focuses on the sales of goods, not services.

Florida's UCC, codified in chs. 670-680, F.S., is divided by subject matter as follows:

- Chapter 670: Fund Transfers
- Chapter 671: General Provisions
- Chapter 672: Sale of Goods
- Chapter 673: Negotiable Instruments
- Chapter 674: Bank Deposits and Collections
- Chapter 675: Letters of Credit
- Chapter 677: Documents of Title
- Chapter 678: Investment Securities
- Chapter 679: Secured Transactions
- Chapter 680: Leases

In 2022, the Uniform Law Commission, which is the organization that sponsors the UCC, developed amendments to the UCC to address financial transactions involving emerging technologies, like cryptocurrencies, blockchains, and non-fungible tokens (NFTs).[3] Article 12 of the UCC addresses "controllable electronic records" or intangible digital assets, making it possible for cryptocurrency to be used in secured transactions.[4] As of August 2024, 24 states have adopted versions of these amendments.[5]

The Florida Bar Business Law Section's Blockchain and Digital Assets Committee and UCC/Bankruptcy Committee (Task Force) evaluated the new amendments to the UCC and proposed changes to Florida's UCC based on them. The Task Force found that Florida law does not have provisions addressing digital assets (it only contemplates money existing in tangible form, such as bills), which can create legal doubt in financial transactions using digital assets.[6] As there are over 10,000 cryptocurrencies in circulation and the market is worth over $1 trillion, there is a growing desire by policymakers to clarify and address certain legal issues associated with the use of cryptocurrencies.[7]

Emerging Technologies

Cryptocurrencies consist of "both the units of stored value and the networks on which they are exchanged."[8] These networks are comprised of unaffiliated participants that download software

[3] There is no one definition for cryptocurrency, but they generally refer to "blockchain-based digital currencies maintained on decentralized networks." Digital assets are intangible and can be anything of value. Paul Tierno, CONG. RSCH. SERV., *Cryptocurrency: Selected Policy Issues*, 7 (Feb. 15, 2023), available at https://crsreports.congress.gov/product/pdf/R/R47425; *see also* ARVIND NARAYANAN ET AL., BITCOIN AND CRYPTOCURRENCY TECHNOLOGIES (Princeton U. Press 2016), available at http://d28rh4a8wq0iu5.cloudfront.net/bitcointech/readings/princeton_bitcoin_book.pdf.
[4] Michael D. Contino, CONG. RSCH. SERV., *Crypto Assets and Property of the Bankruptcy Estate: An Analysis*, 2-3 (Sept. 28, 2022), available at https://crsreports.congress.gov/product/pdf/LSB/LSB10832.
[5] Business Law Section Task Force, *White Paper: Florida's New UCC Article 12: Controllable Electronic Records ("CERs") Supporting Secured Transactions for Digital Assets and the Associated UCC Amendments,* 2 (Aug. 12, 2024).
[6] *Id.*
[7] Tierno, *supra* note 3, at Summary.
[8] Tierno, *supra* note 3, at 3.

to perform transactions, instead of through a central bank that manages ledgers and approved transactions.[9] Cryptocurrencies can consist of digital tokens,[10] which are exchanged across public blockchains that do not require a central intermediary such as a bank.[11] All cryptocurrencies use blockchain technology,[12] which is a digital ledger that records all transactions made in cryptocurrency; accordingly, blockchain technology acts as a kind of public record.[13] Anytime a transaction is entered into the ledger, a member must validate the transaction before it is entered.[14] Due to the novel nature of these financial transactions, there is no framework for the regulation of cryptocurrencies and digital assets, and federal regulators are only beginning to develop comprehensive rules to regulate the industry.[15]

III. Effect of Proposed Changes:

The bill substantially amends and creates new sections of Florida's Uniform Commercial Code (UCC) to incorporate financial transactions involving cryptocurrencies and other emerging technologies. These changes revise Florida law to encompass new technologies that do not fit into the current statutory scheme for commercial contracts.

General Provisions

Section 32 amends s. 671.105, F.S., to prescribe that the chapter on controllable electronic records, s. 669.107, F.S., governs controllable electronic records, and that agreements to the contrary are only effective to the extent permitted by that governing law.

Section 33 amends s. 671.107, F.S., to require "a signed record" instead of "an authenticated record" by an aggrieved party in connection with the discharge of a claim or right arising out of an alleged breach of contract.

Section 34 amends s. 671.201, F.S., to:

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[9] Tierno, *supra* note 3, at 3-4.
[10] "Bitcoin is the token of the Bitcoin network, ether is the token of the Ethereum network, and so on. All cryptocurrencies are digital tokens." Diego Zuluaga, CATO INST., *Briefing Paper: Should Cryptocurrencies Be Regulated like Securities?*, 2 (Jun. 25, 2018), available at https://www.cato.org/sites/cato.org/files/pubs/pdf/cmfa-briefing-paper-1-updated.pdf.
[11] *Id.* at 2; *see also* Tierno, *supra* note 3, at 4.
[12] There are some off-chain transactions, wherein an intermediary, such as a payment platform, processes and records the transaction. Customers typically have accounts with these intermediaries, who can "hold cryptocurrencies in custody for users, and transactions occur on private ledgers …." Tierno, *supra* note 3, at 14.
[13] "In the context of cryptocurrency, transactions are grouped together in blocks and, once approved, added to the chain of previously approved blocks. According to a National Institute of Standards and Technology report, blockchains "enable a community of users to record transactions in a shared ledger within that community, such that under normal operation of the blockchain network no transaction can be changed once published." Computer scientists define blockchains thus as append-only, which means once published they can be added to but not otherwise amended. This append-only nature of blockchains, also often referred to as immutability, is crucial because system participants, including network nodes and miners, can identify attempted tampering." Tierno, *supra* note 3, at 4 (internal quotations, emphases, and citations omitted); *see also* David W. Perkins, CONG. RSCH. SERV., *Cryptocurrency: The Economics of Money and Selected Policy Issues*, 14-16 (Apr. 9, 2020), available at https://crsreports.congress.gov/product/pdf/R/R45427.
[14] These members, referred to as miners, obtain cryptocurrency in exchange for their efforts in validating the ledger. *Id.*
[15] "Instead, various state and federal financial industry regulators apply existing regulations to cryptocurrencies and digital asset exchanges using legal categories developed for traditional financial products and services. Those rules have primarily been applied through enforcement on a case-by-case basis rather than through rulemaking, meaning firms may operate in violation of rules for extended periods of time before enforcement actions are undertaken." Tierno, *supra* note 3, at 20.

- Redesignate subsections.
- Modify the definitions of "conspicuous," "delivery," "holder," "person," "send," and "sign."
- Add a definition for the term "electronic."

Section 35 amends s. 671.211, F.S., which regulates value, to except regulations governing negotiable instruments and bank collections in ch. 669, F.S., from the scope of the section.

Control of Controllable Electronic Records

Rights in Controllable Accounts or Controllable Electronic Records

Section 6 creates s. 669.104, F.S. The statute provides that in determining whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser,[16] the purchaser obtains control of the account or payment intangible if he or she obtains control of the controllable electronic records that evidences the account or payment intangible.

The bill also establishes:

- Except as otherwise provided, law other than Part I of ch. 669, F.S., determines whether a person acquires a right in a controllable electronic record[17] and the right the person acquires.
- A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had, or had power to transfer, to the extent of the interest purchased.
- A qualifying purchaser acquires its rights in the controllable electronic record free of any property right claim in the controllable electronic record.
- Except as otherwise provided, a qualifying purchaser takes a right to payment, performance, or other interest in property evidenced by the controllable electronic record, subject to property right claim in the right to payment, performance, or other interest in property.
- An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, regardless of whether the action is in conversion,[18] replevin,[19] constructive trust,[20] equitable lien,[21] or other theory.

[16] Under the bill, "qualifying purchaser" means a purchaser of a controllable electronic record or an interest in such, that obtains control of the record for value in good faith, and without notice of a claim of a property right in the record. *See* s. 4 of the bill (codifying s. 669.102(1)(b), F.S., which defines "qualifying purchaser").
[17] Under the bill, "controllable electronic record" means a record stored in an electronic medium that can be subjected to control under s. 669.105, F.S. The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, electronic money, investment property, or a transferable record. See s. 4 of the bill (codifying s. 669.102(1)(a), F.S., which defines "controllable electronic record").
[18] Conversion is an intentional tort that occurs when a party wrongfully takes another's property. *Joe Hand Promotions, Inc. v. Creative Ent., LLC*, 978 F. Supp. 2d 1236, 1241 (M.D. Fla. 2013).
[19] Replevin is a legal action, seeking return of personal property which has been wrongfully taken by the opposing party. *Brown v. Reynolds*, 872 So. 2d 290, 294 (Fla. 2d DCA 2004).
[20] A constructive trust is a trust created by a court as a judicial remedy to restore property to its rightful owner, either when property has been acquired by fraud or it is against principles of equity that someone should retain possession of such property. *Silva v. de la Noval*, 307 So. 3d 131, 134 (Fla. 3d DCA 2020).
[21] An equitable lien is a type of lien, which is a security interest or legal right acquired in another's property, granted by a court as a judicial remedy against certain property. *In re Performance Leasing Corp of Collier Cnty.*, 385 B.R. 317, 325-26 (Bankr. M.D. Fla. 2008).

- The filing of a finance statement under ch. 679, F.S., is not notice of a property right claim in a controllable electronic record.

Control of a Controllable Electronic Record

Section 7 creates s. 669.105, F.S., to specify that a person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

- Gives the person:
  - Power to avail himself or herself of substantially all the benefits from the electronic record.
  - Exclusive power to prevent others from availing themselves of substantially all the benefit from the electronic record; and transfer control of the electronic record to another person, or cause another person to obtain control of another controllable electronic record, as a result of the transfer of the electronic record.
- Enables the person to identify himself or herself readily in any way including by name, identifying number, cryptographic key, office, or account number, as having the aforementioned powers.

If a person has the above-specified powers, the powers are presumed exclusive. The bill establishes that these powers are exclusive under the preceding subsection even if:

- The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record, or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or
- The power is shared with another person.

However, the power of a person is not shared with another person under the preceding paragraph, and the person's power is not exclusive, if:

- The person can exercise the power only if the power is also exercised by the other person.
- The other person:
  - Can exercise the power without the exercise of the power by the person.
  - Is the transferor to the person of an interest in the controllable electronic record, controllable account, or controllable payment intangible evidenced by the controllable electronic record.

Additionally, the bill provides that a person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record, controllable account, or controllable payment intangible evidenced by the controllable electronic record:

- Has control of the electronic record and acknowledges it has control on behalf of the person; or
- Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

The bill specifies that a person that has control is not required to acknowledge that he or she has control on behalf of another person, unless the person otherwise agrees, or law other than part I

of ch. 669, F.S., or ch. 679, F.S., provides otherwise. If a person acknowledges that he or she has or will obtain control on behalf of another person, the person does not owe any duty to the other person and is not required to confirm the acknowledgement to anyone.

Discharge of Account Debtor on Controllable Account or Controllable Payment Intangible

Section 8 creates s. 669.106, F.S., to provide that an account debtor on a controllable account or controllable payment intangible may discharge his or her obligation by paying:

- The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or
- A person that formerly had control of the controllable electronic record, except as provided in the following subsection.

Under the bill, the account debtor may not discharge his or her obligation by paying a person that formerly had control of the controllable electronic record, unless the account debtor receives a notification with specified information from the person that formerly had control over the controllable electronic record.

This notification is effective if:

- The account debtor and the person who had control of the controllable electronic record agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred.

This notification is ineffective if:

- To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller.
- At the option of the account debtor, if the notification notifies the account debtor to divide the payment, provide less than the full amount of an installment, or pay any part of a payment by more than one method or to more than one person.

Further, the bill provides that the person giving notification must also furnish reasonable proof that control of the controllable electronic record has been transferred. A person furnishes reasonable proof if the transferee has the power to:

- Avail himself or herself of substantially all the benefit from the controllable electronic record
- Prevent others from availing themselves of substantially all the benefit from the controllable electronic record.
- Transfer such powers to another person.

Additionally, the bill specifies that this section is subject to law other than Part I of ch. 669, F.S., which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

Governing Law

Section 9 creates s. 669.107, F.S., to establish that the local law of a controllable electronic record's jurisdiction governs a matter covered by Part I, ch. 669, F.S. Regarding the discharge of an account debtor under s. 669.106, F.S., local law also governs unless an effective agreement

provides that the local law of another jurisdiction governs. The bill also specifies circumstances in which the law of another jurisdiction applies instead.

Section 11 creates s. 669.501, F.S., which provides a short title for Part II of ch. 669, F.S.: "Uniform Commercial Code-Transitional Provisions."

Section 12 creates s. 669.502, F.S., to provide definitions and principles of construction and interpretation applicable to Part II of ch. 669, F.S.

Fund Transfers

Sections 20 and 22-28 amend ss. 670.103, 670.202, 670.203, 670.207, 670.208, 670.21, 670.211, and 67.305, F.S., to revise the definition of "payment order" by replacing "written" with the word "record." Under the bill, agreements related to security procedures and payment orders may be "evidenced by a record" instead of in "writing."

Section 21 amends s. 670.201, F.S., to allow for banks and customers to agree to a security procedure that may impose an obligation on either party to use symbols, sounds, and biometrics when handling payment orders. The bill specifies that requiring a payment order to be sent from a known e-mail address, IP address, or telephone number is not in itself a security procedure.

Sale of Goods

Section 38 amends s. 672.102, F.S., to provide that ch. 672, F.S., does not apply to a transaction that operates only to create a security interest, even if it is in the form of an unconditional contract. The bill also simplifies language establishing that ch. 672, F.S., does not impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers. Additionally, in a hybrid transaction (one for both the sale of goods and services), if the sale-of-goods aspects do not predominate, only the provisions of ch. 672, F.S., that apply primarily to sale-of-goods aspects of the transaction apply. If the sale-of-goods aspects predominate, the chapter applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction that do not relate to the sale of goods.

Section 39 amends s. 672.106, F.S., to include the definition of a "hybrid transaction."

Sections 40-44 amend ss. 672.201, 672.202, 672.203, 672.205, and 672.209, F.S., to change references from "written notice" to "notice in a record."

Negotiable Instruments

Section 47 amends s. 673.1041, F.S., to establish that a negotiable instrument[22] may contain statements on governing law or dispute resolution forums concerning the promise or order.

Section 48 amends s. 673.1051, F.S., to revise the definition of "issue." Under the bill, "issue" means either:

[22] The term "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order. Section 673.1041(1), F.S.

- The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or
- If agreed to by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depositary bank to collect the item under federal law by transferring or presenting an electronic check.

Section 49 amends s. 673.4011, F.S., to eliminate the subsection regulating how a signature may be made on a negotiable instrument. The bill adopts a new term, "signed," which is defined in s. 671.201, F.S., for this purpose.

Section 50 amends s. 673.6041, F.S., to specify that the obligation of a party to pay a check is not discharged solely by the destruction of the check in connection with a specified process that extracts information from the check.

Letters of Credit

Section 53 amends s. 675.104, F.S., to conform the requirements for letters of credit with the new definition of "signed" under the bill.

Section 54 amends s. 675.116, F.S., to conform language in the statute with the new term "record." The bill also provides that a branch of a bank is considered to be located at the address indicated in the branch's undertaking; if more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued, for the purposes of choice of law and forum.

Documents of Title

Section 57 amends s. 677.106, F.S., to specify that a person has control of an electronic document of title if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

- Enables the person to identify each electronic copy as authoritative or non-authoritative.
- Enables the person to identify himself or herself in any way, including name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred.
- Gives the person exclusive power to prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred, and to transfer control of each authoritative electronic copy.

The bill also specifies instances in which the power to prevent others from changing the person to which the copy has been issued, or transfer control of an authoritative electronic copy, is exclusive or not. Additionally, the bill provides for situations in which a person can have control over the electronic document of title if another person obtains control on his or her behalf.

Investment Securities

Section 60 amends s. 678.1021, F.S., to add cross-references to the definitions for "controllable account," "controllable electronic record," and "controllable payment intangible" located in other sections of the bill.

Section 61 amends s. 678.1031, F.S., to provide that a controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless otherwise specified.

Section 62 amends s. 678.1061, F.S., to specify that a purchaser has control over a security entitlement if another person, other than the transferor to the purchaser of an interest in the security entitlement:

- Has control of the security entitlement and acknowledges they have control on behalf of the purchaser; or
- Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

The bill also provides that a person who has control is not required to acknowledge that he or she has control on behalf of a purchaser. If a person acknowledges that he or she has or will obtain control on behalf of a purchaser unless the person otherwise agrees, or law otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgement to any other person.

Section 63 creates s. 678.1101, F.S., to provide that the local law of the issuer's jurisdiction governs certain matters or transactions in specific circumstances.

Section 64 amends s. 678.3031, F.S., to provide that protected purchasers acquire their interest in securities free of any adverse claim.

Secured Transactions

Article 9 of the UCC governs transactions intended to create a security interest in personal property.[23] Chapter 679, F.S., which is Florida's version of article 9, provides for the creation, perfection,[24] priority,[25] and enforcement of security interests. A security interest occurs when an interest in personal property secures payment or performance of an obligation under a contract.[26] The bill conforms ch. 679, F.S., to validate cryptocurrency as personal property that can be used in secured transactions.

Section 67 amends s. 679.1021, F.S., to conform existing definitions to the new statutory scheme for electronic, intangible forms of payment.

[23] Legal Information Institute, *Secured Transactions*, https://www.law.cornell.edu/wex/Secured_transactions (last visited Apr. 8, 2025).
[24] Perfection is the process by which a secured party gains priority over other parties having claims to the same collateral. *Id.*
[25] Priority refers to the order of preference given to different creditors of a security interest. *Id.*
[26] *Id.*

Section 68 amends s. 679.1041, F.S., to specify that a secured party can have control of a deposit account if another person, other than the debtor, has control of the deposit account and acknowledges this control is on behalf of the secured party.

Control of Electronic Chattel Paper

Section 69 amends 679.1051, F.S., to specify the circumstances under which a purchaser has control of electronic chattel paper.[27] The bill provides that any system employed to evidence the assignment of interests in chattel paper must create, store, and assign the records evidencing the chattel paper in a certain manner for the purchaser to have control. Control is proven when a system has an authoritative electronic copy of the electronic chattel paper permitting the purchaser to readily identify himself or herself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy. The bill also establishes the circumstances in which such control is exclusive or not.

Control of Electronic Money

Section 70 creates s. 679.1052, F.S., to specify that a person has control of electronic money if:

- The electronic money, a record attached or associated with the electronic money, or a system in which the electronic money is recorded gives the person power to avail himself or herself of the benefit from the electronic money, and exclusive power over the electronic money.
- The electronic money, a record attached or associated with the electronic money, or a system in which the electronic money is recorded enables the person to readily identify himself or herself in any way, including by name, identifying number, cryptographic key, office, or account number.

Under the bill, a person has exclusive power even if the electronic money, record, or system limits the use of the electronic money or has a protocol programmed to cause a change, or if the power is shared with another person. The bill also outlines instances in which a person's power to avail himself or herself of the benefit of the electronic money is or is not exclusive.

Control of Controllable Electronic Record, Controllable Account, or Controllable Payment Intangible

Section 71 creates s. 679.1053, F.S., to mandate that a secured party has control of a controllable electronic record as provided in s. 669.105, F.S. Additionally, a secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences such control.

[27] Under the bill, "chattel paper" means: 1. A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or 2. A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if: a. The right to payment and lease agreement are evidenced by a record; and b. The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods. The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. *See* s. 67 (amending and renumbering the existing definition for same in s. 679.1021, F.S.).

Section 72 creates s. 679.1054, F.S., to provide that acknowledgment is not required when a person has control on behalf of another person under ss. 679.1051-679.1053, F.S. Additionally, if a person has control, he or she is not required to confirm the acknowledgment, nor does he or she owe a duty to the other person.

Attachment and Enforceability of Security Interests

Section 73 amends s. 679.2031, F.S., to conform the statute to the new definition of "signed" and to include new types of collateral categories, such as controllable accounts, controllable electronic records, controllable payment intangibles, electronic documents, electronic money, and chattel paper.

Section 74 amends 679.2041, F.S., to provide that a security interest may attach[28] to consumer goods as proceeds, commingled goods, commercial tort claims, or under an after-acquired property clause under certain statutes.

Section 75 amends s. 679.2071, F.S., to add a reference to newly-created s. 679.1052, F.S., under the bill.

Additional Duties of a Secured Party Having Control of Collateral

Section 76 amends s. 679.2081, F.S., to conform the statute to the new definitions of "record" and "signed" in the bill. Additionally, the bill specifies that when a secured party receives a signed demand by a debtor, the secured party must transfer control to the debtor of:

- An authoritative electronic copy of a record evidencing chattel paper under s. 679.1051, F.S.
- An authoritative electronic copy of an electronic document of title under s. 677.106, F.S.
- Electronic money under s. 679.1052, F.S.
- A controllable electronic record under s. 669.105, F.S.

Duties of a Secured Party if the Account Debtor has been Notified of Assignment

Section 77 amends s. 679.209, F.S., to insert conforming cross-references to s. 679.4061(1), F.S., or s. 669.106(2), F.S., which are statutes requiring notice to an account debtor. The bill also conforms the statute to the new definition of "signed."

Law Governing Perfection and Priority of Security Interests

Section 79 amends s. 679.3011, F.S., to remove chattel paper from a list of tangible forms of money, because chattel paper is now addressed in s. 679.3062, F.S.

Section 80 amends s. 679.3041, F.S., to specify that the local law of a bank's jurisdiction governs perfection and priority of security interests in deposit accounts, even if the transaction does not bear any relation to the bank's jurisdiction.

Section 81 amends s. 679.3051, F.S., to provide that paragraphs (1)(b), (c), and (d) of the section apply to priority and perfection of security interests in investment accounts, even if a transaction

[28] "A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment." Section 679.2031(1), F.S.

does not bear any relation to that jurisdiction. These paragraphs specify which local law governs perfection for security interests in uncertified securities,[29] a security entitlement[30] or securities account,[31] and a commodity contract[32] or commodity account.[33]

Section 82 creates s. 679.3062, F.S., to provide rules to determine the jurisdiction governing perfection and priority of security interests in chattel paper. Under the bill, except as provided, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

The bill also provides that:

- If the authoritative electronic copy of the record evidencing chattel paper, or record attached to or associated with the electronic copy, expressly provides a particular jurisdiction for the chattel paper, that jurisdiction's law governs.
- If the above does not apply, the governing law of the chattel paper is determined by the rules of the system in which the authoritative electronic copy is recorded, if those rules specify a particular jurisdiction. This is only for the purposes of s. 679.3061, F.S., the chapter, or the UCC.
- If neither of those provisions apply, then the governing law is determined by the jurisdiction specified in the authoritative electronic copy or record attached to or associated with it.
- If none of the aforementioned provisions apply, the governing law of the chattel paper is determined by the rules of the system in which the authoritative electronic copy is recorded, if those rules specify a particular jurisdiction.
- If none of the aforementioned provisions apply, then the governing law of the chattel paper is determined by the jurisdiction in which the debtor is located.

Additionally, the bill provides that if chattel paper is evidenced by an authoritative tangible copy and not an authoritative electronic copy, the local law of the jurisdiction in which the authoritative tangible copy is located governs:

- Perfection of a security interest in the chattel paper by possession under s. 679.3152, F.S.
- The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

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[29] "Uncertificated security" means a security that is not represented by a certificate. Section 678.1021(1)(r), F.S.

[30] "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in part V, ch. 678, F.S. Section 678.1021(1)(q), F.S.

[31] "Securities account" means an account to which a financial asset is or may be credited in accordance with an agreement under which the person maintaining the account undertakes to treat the person for whom the account is maintained as entitled to exercise the rights that comprise the financial asset. Section 678.5011(1), F.S.

[32] "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is: (1) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or (2) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer. Section 679.1021(1)(o), F.S.

[33] "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer. Section 679.1021(1)(n), F.S.

Finally, the local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

Section 83 creates s. 679.3063, F.S., to specify that the local law of the controllable electronic record's jurisdiction specified in s. 669.107(3)-(4), F.S., governs perfection and priority of security interests in controllable electronic records, controllable electronic accounts, and controllable payment intangibles evidenced by the controllable electronic record.

Additionally, the bill provides that the local law of the jurisdiction in which the debtor is located governs:

- Perfection of a security interest in controllable accounts, controllable electronic records, or controllable payment intangibles by filing.
- Automatic perfection of a security interest in a controllable payment intangible created by the sale of the controllable payment intangible.

Perfection of Security Interests

Section 84 amends s. 679.3101, F.S., to include controllable accounts, controllable electronic records, and controllable payment intangibles as categories that do not require the filing of a financing statement.[34]

Section 85 amends s. 679.3121, F.S., to include controllable accounts, controllable electronic records, controllable payment intangibles, and negotiable instruments as types of security interests that may be perfected by filing. The bill also provides that a security interest in electronic money may be perfected only by control under s. 679.3141, F.S. Additionally, the bill conforms the statute to the new definition of "signed."

Section 86 amends s. 679.3131, F.S., to add negotiable tangible documents and tangible money to the list of security interests that can be perfected by taking possession of the collateral. Additionally, the bill conforms the statute to the new definition of "signed."

Section 87 amends s. 679.3141, F.S., to provide that controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights may be perfected by control of the collateral under s. 679.1052, F.S., s. 679.1053, F.S., and other statutes.

Section 88 creates s. 679.3152, F.S., to specify that a secured party may perfect a security interest in chattel paper by taking possession and obtaining control of each authoritative tangible copy of the record evidencing the chattel paper. The bill also inserts cross-references to other provisions in the chapter that would apply to perfection in this situation.

[34] "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement. Section 679.1021(1)(mm), F.S.; *see also* Legal Information Institute, *UCC Financing Statement*, https://www.law.cornell.edu/wex/ucc_financing_statement (last visited Apr. 8, 2025) (providing that a financing statement "is a form that creditors file with states in which they have a security interest in a debtor's personal property" and "[t]he financial statement serves a similar purpose as recording a deed for real property: registering debt with a state so other creditors and the government can track legitimate security interests in property.").

Section 89 amends s. 679.3161, F.S., to add chattel paper, controllable accounts, controllable electronic records, and controllable payment intangibles to the list of security interests which remain perfected, even when there is a change in governing law, for a length of time as specified by statute.

Interests that Take Priority Over or Take Free of Security Interest or Agricultural Lien

Section 90 amends s. 679.3171, F.S., to specify the rights of buyers and licensees and identify when they take collateral free of security interests. Under the bill:

- A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:
  - Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper.
  - Obtains control of each authoritative electronic copy, if each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under s. 679.1052, F.S.
- A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of each authoritative electronic copy, if each authoritative electronic copy of the document can be subjected to control under s. 677.106, F.S.
- A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.
- A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

Priority of Security Interests

Section 91 amends s. 679.323, F.S., to remove references to a buyer in the ordinary course of business as an exception to a buyer or lessee who takes free of a security interest.

Section 93 creates s. 679.3251, F.S., to provide that a security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

Section 94 amends s. 679.330, F.S., to specify the requirements for a purchaser of chattel paper or instruments[35] to have priority over other security interests based on the purchaser's possession of the authoritative copies of the record evidencing chattel paper.

[35] "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in the ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include investment property, letters of credit, or writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. Section 679.1021(1)(uu), F.S.

Section 95 amends s. 679.331, F.S., to provide that ch. 679, F.S., does not limit the rights of a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible. Under the bill, this purchaser takes priority over an earlier security interest, even if perfected, to the extent provided in ch. 669, F.S.

Section 96 amends s. 679.332, F.S., to provide that:

- A transferee of tangible money takes free of a security interest if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.
- A transferee of funds from a deposit account takes free of a security interest in the deposit account if the transferee receives the funds without acting in collusion with the debtor in violating the rights of the secured party.
- A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.

Rights of Third Parties

Section 99 amends s. 679.4061, F.S., to conform the statute to the new definition of "signed." The bill also clarifies that the term "promissory note" includes a negotiable instrument that evidences chattel paper for purposes of subsection (4). The bill also creates a new subsection to clarify that subsections (1)-(3) and (7) do not apply to a controllable account or controllable payment intangible.

Section 100 amends s. 679.4081, F.S., to clarify that for the purposes of this section, the term "promissory note" includes a negotiable instrument that evidences chattel paper.

Default

Section 103 amends s. 679.601, F.S., to add references to newly created statutes under the bill.

Section 105 amends s. 679.605, F.S., to mandate that a secured party owes a duty to a debtor or obligor under certain circumstances when a controllable account, controllable electronic record, or controllable payment intangible is perfected by control.

Sections 108 and 109 amend ss. 679.613 and 679.614, F.S., to change the forms required for notification of the disposition of collateral and the sale of property, respectively, and providing instructions on how to use the forms. Secured parties are required to notify debtors if they dispose of collateral or sell property.

Section 117 amends s. 679.628, F.S., to provide that certain limitations on liability of secured parties do not apply if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible, or at the time the security interest attaches to the collateral, whichever is later:

- The person is a debtor of obligor.
- The secured party knows that the information listed in subsection (2)(a) is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

Leases

Section 121 amends s. 680.1021, F.S., to clarify the scope of ch. 680, F.S., as it applies to hybrid leases.[36] If the lease-of-goods aspects do not predominate:

- Only the provisions of the chapter that relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply.
- Section 608.209, F.S., applies if the lease is a finance lease.
- Section 608.407, F.S., applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods.

Under the bill, if the lease-of-goods aspects predominate, the chapter applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the lease that do not relate to the lease of goods.

Section 122 amends s. 680.1031, F.S., to provide the definition of a hybrid lease, and to make internal references in the index conform to the bill.

Transitional Provisions, Savings Clauses, and Effectiveness of Contracts

Section 10 creates Part II of ch. 669, F.S., entitled "Transitional Provisions."

Section 29 creates Part VI of ch. 670, F.S., entitled "Transitional Provisions."

Section 30 creates s. 670.601, F.S., to specify that, except as otherwise provided, a transaction entered into before July 1, 2025, and the rights, duties, and interests flowing from the transaction remain valid after that date. Also, the transaction may be terminated, completed, consummated, or enforced as required or permitted by law other than the UCC, or if applicable, the UCC, as if the bill had not taken effect.

Section 36 creates Part IV of ch. 671, F.S., entitled "Transitional Provisions."

Section 37 creates s. 671.401, F.S., to provide that, except as otherwise provided, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid after that date. Also, the transaction may be terminated, completed, consummated, or enforced as required or permitted by law other than the UCC, or if applicable, the UCC as if the bill had not taken effect.

Section 45 creates Part VIII of ch. 672, F.S., entitled "Transitional Provisions."

Section 51 creates Part VII of ch. 673, F.S., entitled "Transitional Provisions."

[36] "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease. Section 680.1031(1)(j), F.S. Under the bill, a "hybrid lease" means a single transaction involving a lease of goods and either (1) the provision of services, (2) the sale of other goods, or (3) a sale, lease, or license of property other than goods. *See* s. 122 (adding the definition of "hybrid lease" to s. 680.1031(1), F.S.).

Section 58 creates Part VIII of ch. 677, F.S., entitled "Transitional Provisions."

Section 65 creates Part VI of ch. 678, F.S., entitled "Transitional Provisions."

Section 118 creates Part IX of ch. 679, F.S., entitled "Transitional Provisions."

Section 129 creates Part VI of ch. 680, F.S., entitled "Transitional Provisions."

Savings Clause for General Transitional Purposes

Sections 13, 37, 46, 52, 55, 59, 66, 119, and 130 create ss. 669.601, 671.401, 672.801, 673.702, 675.119, 677.701, 678.601, 679.901, and 680.601, F.S., all of which provide that, except as specified, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from the transaction remain valid after that date. Also, the transaction may be terminated, completed, consummated, or enforced as required or permitted by law other than the UCC, or if applicable, the UCC as if the bill had not taken effect.

Savings Clause for Transitional Provisions for Chapters 669 and 679

Section 14 creates s. 669.701, F.S., to provide that:

- Except as specified, ch. 679, F.S., as it existed on July 1, 2025, and Article 12 apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before July 1, 2025.
- Except as specified, both of the following apply:
  - A transaction, lien, or interest in property that was validly entered into, created, or transferred before July 1, 2025, and was not governed by the UCC but would be subject to ch. 679, F.S., as it existed on July 1, 2025, or Article 12 if it had been entered into, created, or transferred on or after July 1, 2025, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after July 1, 2025.
  - The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by the bill, or by the law that would apply if the bill had not taken effect.
- The bill does not affect an action, case, or proceeding commenced before July 1, 2025.

Security Interests Perfected Before the Effective Date

Section 15 creates s. 669.702, F.S., to establish that a security interest[37] that is enforceable and perfected immediately before July 1, 2025, is a perfected security interest under the bill if, on July 1, 2025, the requirements for enforceability and perfection[38] under the bill have been satisfied. Additionally, if a security interest is enforceable and perfected immediately before July 1, 2025, but the requirements for perfection have not been satisfied by that date, the security interest:

[37] A security interest means an interest in personal property or fixtures which secures payment or performance of an obligation. Section 671.201(39), F.S.

[38] Perfection is the process by which a security interest becomes legally enforceable, typically through filing, possession, or control as set out by statute. Legal Information Institute, *Perfected*, https://www.law.cornell.edu/wex/perfected (last visited Apr. 8, 2025).

- Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before July 1, 2025, or the adjustment date.
- Remains enforceable after that date only if the security interest satisfies the requirements for enforceability under s. 679.2031, as it existed on July 1, 2025, before the adjustment date.
- Remains perfected after that date only if the requirements for perfection under the bill have been satisfied immediately before July 1, 2025.

Security Interest Unperfected Before the Effective Date

Section 16 creates s. 669.703, F.S., to provide that if a security interest which is enforceable immediately before July 1, 2025, but is unperfected at that time:

- Remains an enforceable security interest until the adjustment date.
- Remains enforceable after that date if the security interest becomes enforceable under s. 679.2031, F.S., as amended by this bill on July 1, 2025, or before the adjustment date.
- Becomes perfected:
  - Without further action, on July 1, 2025, if the requirements for perfection under the bill have been satisfied before or at that time; or
  - When the requirements for perfection have been satisfied, if the requirements are satisfied after that time.

Effectiveness of Actions Taken Before Effective Date

Section 17 creates s. 669.704, F.S., to provide that if action, other than the filing of a financing statement, is taken before July 1, 2025, and the action would have resulted in perfection of the security interest had the security interest become enforceable before July 1, 2025, the action is effective to perfect a security interest that attaches under the bill before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under the bill before the adjustment date.

Additionally, the filing of a financing statement before July 1, 2025, is effective to perfect a security interest on July 1, 2025, to the extent the filing would satisfy the requirements for perfection under the bill.

Finally, action taken before July 1, 2025, is sufficient for the enforceability of a security interest on July 1, 2025, if the action would satisfy the requirements for enforceability under the bill.

Priority

Section 18 creates s. 669.705, F.S., to regulate the priority of conflicting claims to collateral. If the priority of claims to collateral was established before July 1, 2025, ch. 679, F.S., as in effect before July 1, 2025, determines priority. On the adjustment date, to the extent the priorities determined by ch. 679, F.S., as amended by the bill, modify the priorities established before July 1, 2025, the priorities of claims to Article 12 property and electronic money established before July 1, 2025, cease to apply.

Priority of Claims when Priority Rules of Chapter 679 do Not Apply

Section 19 creates s. 669.706, F.S., to establish that Article 12 determines the priority of conflicting claims to Article 12 property when the priority rules of ch. 679, F.S., do not apply.

However, when the priority rules of ch. 679, F.S., do not apply, and the priorities of claims to Article 12 property were established prior to July 1, 2025, law other than Article 12 determines priority. When the priority rules of ch. 679, F.S., as amended by this bill do not apply, to the extent the priorities determined by the bill modify the priorities established before July 1, 2025, the priorities of claims to Article 12 property established before July 1, 2025, cease to apply on the adjustment date.

Other Provisions

Section 1 directs the Division of Law Revision to create ch. 669, F.S., entitled "Uniform Commercial Code: Controllable Electronic Records and Transitional Provisions."

Section 2 creates Part I of ch. 669, F.S., entitled "Controllable Electronic Records."

Section 3 provides a short title for Part I of ch. 669, F.S.: "Uniform Commercial Code-Controllable Electronic Records."

Section 4 creates s. 669.102, F.S., which provides definitions for Part I of ch. 669, F.S.

Section 5 creates s. 669.103, F.S., to provide that if there is a conflict between Part I of ch. 669, F.S., and ch. 679, F.S., that ch. 679, F.S., will govern.

Section 31 amends s. 671.101, F.S., to allow the UCC to be cited as the "code."

Sections 56, 78, 92, 97, 98, 101, 102, 104, 106, 107, 110-116, and 123-128 amend ss. 677.102, 679.210, 679.324, 679.341, 679.4041, 679.509, 679.513, 679.604, 679.608, 679.611, 679.615, 679.616, 679.619, 679.620, 679.621, 679.624, 679.625, 680.1071, 680.201, 680.202, 680.203, 680.205, and 680.208, F.S., to conform those statutes to the new definitions of "record" and "signed."

Section 120 creates s. 679.902, F.S., to provide that, effective July 1, 2025, ch. 679, F.S., is deemed amended by the bill, including the transitional provisions for chs. 669 and 679, F.S., as amended by the bill and as provided in Part II of ch. 669, F.S.

Sections 131-137 amend ss. 55.205, 319.27, 328.0015, 517.061, 559.9232, 563.022, and 668.50 F.S., to update internal references to statutes amended by the bill.

Sections 138-163 reenact ss. 655.55, 685.101, 90.953, 673.1061, 673.1151, 673.1031, 673.6051, 679.3061, 675.103, 674.2101, 675.1181, 679.1101, 672.103, 674.104, 678.5101, 679.1061, 679.328, 679.327, 679.1091, 679.709, 679.602, 679.329, 679.320, 727.109, 680.307, 679.626, F.S., respectively, for the purpose of incorporating the amendments made under the bill.

Effective Date

Section 164 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By incorporating cryptocurrencies and other emerging technologies into the UCC, the bill may facilitate an increase in transactions using them.

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: 670.103, 670.201, 670.202, 670.203, 670.207, 670.208, 670.21, 670.211, 670.305, 671.101, 671.105, 671.107, 671.201, 671.211, 672.102, 672.106, 672.201, 672.202, 672.203, 672.205, 672.209, 673.1041,

673.1051, 673.4011, 673.6041, 675.104, 675.116, 677.102, 677.106, 678.1021, 678.1031, 678.1061, 678.1101, 678.3031, 679.1021, 679.1041, 679.1051, 679.2031, 679.2041, 679.2071, 679.2081, 679.209, 679.210, 679.3011, 679.3041, 679.3051, 679.3101, 679.3121, 679.3131, 679.3141, 679.3161, 679.3171, 679.323, 679.324, 679.3251, 679.330, 679.331, 679.332, 679.341, 679.4041, 679.4061, 679.4081, 679.509, 679.513, 679.601, 679.604, 679.605, 679.608, 679.611, 679.613, 679.614, 679.615, 679.616, 679.619, 679.620, 679.621, 679.624, 679.625, 679.628, 680.1021, 680.1031, 680.1071, 680.201, 680.202, 680.203, 680.208, 55.205, 319.27, 328.0015, 517.061, 559.9232, 563.022, 668.50, 655.55, 685.101, 90.953, 673.1061, 673.1151, 673.1031, 673.6051, 679.3061, 675.103, 674.2101, 675.1181, 679.1101, 672.103, 674.104, 678.5101, 679.1061, 679.328, 679.327, 679.1091, 679.709, 679.602, 679.329, 679.320, 727.109, 680.307, 679.626.

This bill creates the following sections of the Florida Statutes: 669.101, 669.107, 669.102, 669.103, 669.104, 669.105, 669.106, 669.501, 669.706, 669.502, 669.601, 669.701, 669.702, 669.703, 669.704, 669.705, 670.601, 671.401, 672.801, 673.702, 675.119, 677.701, 678.601, 679.1052, 679.1053, 679.1054, 679.3062, 679.3063, 679.3152, 679.901, 679.902, 680.601.

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 April 8, 2025:
The committee substitute defines "central bank digital currency," and excludes it from the definition of "controllable electronic record" under Part I of the bill. The substitute also excludes central bank digital currency from the definition of "money" in Part VII of the bill.

CS by Commerce and Tourism on March 17, 2025:
The committee substitute makes technical changes to the bill to correct drafting errors.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
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	.	
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The Committee on Rules (Grall) recommended the following:

Senate Amendment

Delete lines 346 - 363
and insert:
(a) "Central bank digital currency" has the same meaning as provided in s. 671.201.
(b) "Controllable electronic record" means a record in an electronic medium, subject to control under s. 669.105. The term does not include a central bank digital currency, a controllable account, a controllable payment intangible, a deposit account, an electronic chattel paper, an electronic document of title,

151818

electronic money, investment property, or a transferable record.

(c) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record which obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(d) "Transferable record" has the same meaning as provided in:

1. Section 201(a)(1) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s. 7021(a)(1); or

2. Section 668.50(16)(a).

(e) "Value" has the meaning provided in s. 673.3031(1), as

136974

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
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The Committee on Rules (Grall) recommended the following:

Senate Amendment

Delete lines 1763 - 1765

and insert:

(fff) "Money" has the same meaning as in s. 671.201. The term does not include a deposit account, a central bank digital currency, or money in an electronic form that cannot be subjected to control under s. 679.1052.

By the Committee on Commerce and Tourism; and Senator Grall

577-02477-25 20251666c1

A bill to be entitled

An act relating to the Uniform Commercial Code; providing a directive to the Division of Law Revision; creating part I of ch. 669, F.S., relating to controllable electronic records; creating s. 669.101, F.S.; providing a short title; creating s. 669.102, F.S.; defining terms; providing construction; creating s. 669.103, F.S.; providing construction; creating s. 669.104, F.S.; providing applicability; specifying when a purchaser of a controllable account or controllable payment intangible is a qualifying purchaser; specifying rights acquired relating to controllable electronic records; prohibiting actions from being asserted against qualifying purchasers under certain circumstances; specifying that filing a certain financial statement is not notice of a claim of a property right in a controllable electronic record; creating s. 669.105, F.S.; specifying when a person has control of a controllable electronic record; providing when a person's power relating to controllable electronic records is or is not exclusive; providing that a person who has control of a controllable electronic record is not required to acknowledge such control; specifying that a person that acknowledges control of a controllable electronic record does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person; creating s. 669.106, F.S.; authorizing account debtors on a controllable account or

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controllable payment intangible to discharge obligations under certain circumstances; providing requirements for such discharge; prohibiting account debtors from waiving or varying certain rights and options; providing construction; creating s. 669.107, F.S.; specifying the governing laws and jurisdictions relating to controllable electronic records; creating part II of ch. 669, F.S., relating to transitional provisions; creating s. 669.501, F.S.; providing a short title; creating s. 669.502, F.S.; defining terms; creating ss. 669.601 and 669.701, F.S.; providing saving clauses for certain transactions; providing applicability; providing construction; creating s. 669.702, F.S.; specifying requirements for perfecting security interests that are enforceable and perfected before a specified date; creating s. 669.703, F.S.; specifying requirements for security interests that were unperfected before a specified date; creating s. 669.704, F.S.; specifying the effectiveness of certain actions relating to security interests taken before a specified date; creating ss. 669.705 and 669.706, F.S.; providing priority for conflicting claims to collateral; amending s. 670.103, F.S.; revising the definition of the term "payment order"; amending s. 670.201, F.S.; revising authorizations and requirements relating to security procedures; amending s. 670.202, F.S.; revising the circumstances under which payment orders received by banks are effective as the order of a customer; making

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

technical changes; amending s. 670.203, F.S.; revising rules that apply to payment orders that are not authorized orders of certain customers; amending ss. 670.207, 670.208, 670.21, and 670.211, F.S.; making technical changes; amending s. 670.305, F.S.; revising liability requirements relating to payment orders; creating part VI of ch. 670, F.S., relating to transitional provisions; creating s. 670.601, F.S.; providing applicability; amending s. 671.101, F.S.; making technical changes; amending s. 671.105, F.S.; revising applicability; amending s. 671.107, F.S.; making a technical change; amending s. 671.201, F.S.; revising definitions; defining terms; amending s. 671.211, F.S.; conforming a cross-reference; creating part IV of ch. 671, F.S., relating to transitional provisions; creating s. 671.401, F.S.; providing applicability; amending s. 672.102, F.S.; revising applicability; amending s. 672.106, F.S.; defining the term "hybrid transaction"; making technical changes; amending ss. 672.201, 672.202, 672.203, and 672.205, F.S.; making technical changes; amending s. 672.209, F.S.; revising a prohibition on modifying or rescinding a signed agreement that excludes modification or rescission; creating part VIII of ch. 672, F.S., relating to transitional provisions; creating s. 672.801, F.S.; providing applicability; amending s. 673.1041, F.S.; revising the definition of the term "negotiable instrument"; amending s. 673.1051, F.S.; revising the definition of the term

"issue"; amending s. 673.4011, F.S.; conforming provisions to changes made by the act; amending s. 673.6041, F.S.; specifying that the obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a specified process; creating part VII of ch. 673, F.S., relating to transitional provisions; creating s. 673.702, F.S.; providing applicability; amending s. 675.104, F.S.; conforming provisions to changes made by the act; amending s. 675.116, F.S.; providing that a branch of a bank is considered to be located at the address indicated in the branch's undertaking or, if more than one address is indicated, the address from which the undertaking was issued; making technical changes; creating s. 675.119, F.S.; providing applicability; amending s. 677.102, F.S.; deleting definitions of the terms "record" and "sign"; amending s. 677.106, F.S.; specifying when a system satisfies certain requirements and a person has control of an electronic document of title; specifying when certain powers are or are not exclusive; providing that a person that has control of an electronic document or title does not need to acknowledge that it has control on behalf of another person; specifying that a person does not owe any duty to another person under certain circumstances; creating part VII of ch. 677, F.S., related to transitional provisions; creating s. 677.701, F.S.; providing applicability; amending s. 678.1021, F.S.; revising definitions; revising the

applicability of definitions; amending s. 678.1031, F.S.; specifying that a controllable account, controllable electronic record, or controllable payment intangible is not a financial asset under certain circumstances; conforming a cross-reference; amending s. 678.1061, F.S.; revising the circumstances under which purchasers have control of security entitlements; specifying that a person that has such control is not required to acknowledge such control on behalf of a purchaser; specifying that certain persons do not owe any duty to purchasers and are not required to confirm certain acknowledgment under certain circumstances; amending s. 678.1101, F.S.; providing applicability; amending s. 678.3031, F.S; specifying that protected purchasers acquire interest in a security free of any adverse claim; creating part VI of ch. 678, F.S., relating to transitional provisions; creating s. 678.601, F.S.; providing applicability; amending s. 679.1021, F.S.; defining terms; revising and deleting definitions; revising the applicability of definitions; amending s. 679.1041, F.S.; revising the circumstances under which a secured party has control of a deposit account; making a technical change; amending s. 679.1051, F.S.; revising when a person has control of electronic chattel paper; specifying when power of such control is or is not exclusive; creating s. 679.1052, F.S.; specifying when a person has control of electronic money; specifying when power of such control is or is not exclusive;

creating s. 679.1053, F.S.; specifying when a person has control of controllable electronic records, controllable accounts, or controllable payment intangibles; creating s. 679.1054, F.S.; providing that specified persons with certain control are not required to acknowledge such control; specifying that such persons do not owe any duty to certain persons and are not required to confirm acknowledgment to any other person; amending s. 679.2031, F.S.; revising the circumstances under which a security interest is enforceable against a debtor and third parties; conforming provisions to changes made by the act; amending s. 679.2041, F.S.; revising the circumstances under which a security interest does not attach under a term constituting an after-acquired property clause; amending s. 679.2071, F.S.; conforming a provision to changes made by the act; amending s. 679.2081, F.S.; revising duties relating to secured parties having control of collateral; amending s. 679.209, F.S.; revising duties relating to secured parties if an account debtor has been notified of an assignment; revising cross-references; amending s. 679.210, F.S.; conforming provisions to changes made by the act; amending s. 679.3011, F.S.; revising requirements relating to laws governing perfection and priority of security interests; revising a cross-reference; amending s. 679.3041, F.S.; specifying that the local law of a bank’s jurisdiction governs even if a transaction does not bear any relation to the bank’s

jurisdiction; amending s. 679.3051, F.S.; revising applicability; creating s. 679.3062, F.S.; specifying which laws govern the perfection and priority of security interests in chattel paper; creating s. 679.3063, F.S.; specifying which laws govern the perfection and priority of security interests in controllable accounts, controllable electronic records, and controllable payment intangibles; amending s. 679.3101, F.S.; revising the circumstances under which the filing of a financing statement is not necessary to perfect a security interest; amending s. 679.3121, F.S.; providing requirements for perfecting a security interest in controllable accounts, controllable electronic records, and controllable payment intangibles; amending s. 679.3131, F.S.; conforming provisions to changes made by the act; amending s. 679.3141, F.S.; revising requirements for perfection by control; creating s. 679.3152, F.S.; providing requirements for perfecting a security interest in chattel paper by possession and control; amending s. 679.3161, F.S.; revising requirements relating to maintaining perfection of security interests following a change in governing law; revising cross-references; amending s. 679.3171, F.S.; revising the circumstances under which persons take free of a security interest or agricultural lien; amending s. 679.323, F.S.; revising the circumstances under which a buyer or lessee of goods takes free of a security interest or leasehold; amending s. 679.324,

F.S.; conforming provisions to changes made by the act; creating s. 679.3251, F.S.; specifying that certain security interests in controllable accounts, controllable electronic records, or controllable payment intangibles have priority over conflicting security interests; amending s. 679.330, F.S.; revising the circumstances under which purchasers of chattel paper have priority over certain security interests in the chattel paper; revising applicability; making a technical change; amending s. 679.331, F.S.; revising construction; amending s. 679.332, F.S.; revising the circumstances under which a transferee takes money or funds free of a security interest; amending ss. 679.341 and 679.4041, F.S.; conforming provisions to changes made by the act; amending s. 679.4061, F.S.; defining the term "promissory note"; conforming provisions to changes made by the act; revising applicability; amending s. 679.4081, F.S.; defining the term "promissory note"; amending ss. 679.509, 679.513, 679.601, and 679.604, F.S.; conforming provisions to changes made by the act; amending s. 679.605, F.S.; specifying when a secured party owes a duty to a person based on the party's status as a secured party; amending ss. 679.608 and 679.611, F.S.; conforming provisions to changes made by the act; making technical changes; amending s. 679.613, F.S.; revising the form for notification of the disposition of collateral; providing requirements relating to such form; amending

s. 679.614, F.S.; revising form requirements for notice of a plan to sell property; providing requirements relating to such form; amending ss. 679.615, 679.616, 679.619, 679.620, 679.621, 679.624, and 679.625, F.S.; conforming provisions to changes made by the act; amending s. 679.628, F.S.; providing applicability; creating part IX of ch. 679, F.S., relating to transitional provisions; creating ss. 679.901 and 679.902, F.S.; providing construction; amending s. 680.1021, F.S.; revising applicability; amending s. 680.1031, F.S.; defining the term "hybrid lease"; conforming cross-references; amending ss. 680.1071, 680.201, 680.202, 680.203, 680.205, and 680.208, F.S.; conforming provisions to changes made by the act; creating part VI of ch. 680, F.S., relating to transitional provisions; creating s. 680.601, F.S.; providing applicability; amending ss. 55.205, 319.27, 328.0015, 517.061, 559.9232, 563.022, and 668.50, F.S.; conforming cross-references; reenacting ss. 655.55(1) and (2) and 685.101(2), F.S., relating to law applicable to deposits in and contracts relating to extensions of credit by a deposit or lending institution located in this state and choice of law, respectively, to incorporate the amendment made to s. 671.105, F.S., in references thereto; reenacting ss. 90.953(1), 673.1061(1), (3), and (4), and 673.1151(2), F.S., relating to admissibility of duplicates, unconditional promise or order, and incomplete instruments, respectively, to

incorporate the amendment made to s. 673.1041, F.S., in references thereto; reenacting s. 673.6051(2), F.S., relating to discharge of indorsers and accommodation parties, to incorporate the amendment made to s. 673.6041, F.S., in a reference thereto; reenacting s. 673.1031(2), F.S., relating to definitions, to incorporate the amendments made to ss. 673.1041 and 673.1051, F.S., in references thereto; reenacting s. 675.103(1)(j), F.S., relating to definitions, to incorporate the amendment made to s. 675.104, F.S., in a reference thereto; reenacting s. 679.3061(2), F.S., relating to law governing perfection and priority of security interests in letter-of-credit rights, to incorporate the amendment made to s. 675.116, F.S., in a reference thereto; reenacting ss. 672.103(3) and 674.104(3), F.S., relating to definitions and index of definitions, to incorporate the amendment made to s. 677.106, F.S., in references thereto; reenacting ss. 678.5101(3) and 679.1061(1), F.S., relating to rights of purchaser of security entitlement from entitlement holder and control of investment property, respectively, to incorporate the amendment made to s. 678.1061, F.S., in references thereto; reenacting ss. 674.2101(3), 675.1181(2), and 679.1101, F.S., relating to security interest of collecting bank in items, accompanying documents, and proceeds; security interest of issuer or nominated person; and security interests arising under ch. 672, F.S., or ch. 680, F.S., respectively,

to incorporate the amendment made to s. 679.2031, F.S., in references thereto; reenacting s. 679.709(2), F.S., relating to priority, to incorporate the amendment made to s. 679.2031, F.S., in a reference thereto; reenacting s. 679.602(2), F.S., relating to waiver and variance of rights and duties, to incorporate the amendment made to s. 679.210, F.S., in a reference thereto; reenacting s. 679.329(2), F.S., relating to priority of security interests in deposit account and priority of security interests in letter-of-credit right, respectively, to incorporate the amendment made to s. 679.3141, F.S., in a reference thereto; reenacting s. 679.320(3), F.S., relating to buyer of goods, to incorporate the amendment made to s. 679.3161, F.S., in a reference thereto; reenacting s. 727.109(8)(b), F.S., relating to power of the court, to incorporate the amendment made to s. 679.3171, F.S., in a reference thereto; reenacting s. 680.307(3), F.S., relating to priority of liens arising by attachment or levy on, security interests in, and other claims to goods, to incorporate the amendments made to ss. 679.3171 and 679.323, F.S., in references thereto; reenacting s. 679.328(2), (5), and (7), F.S., relating to priority of security interests in investment property, to incorporate the amendments made to ss. 678.1061, 679.3131, 679.3141, and 679.323, F.S., in references thereto; reenacting s. 679.327(1) and (2), F.S., relating to priority of security interests in deposit account, to incorporate the

amendments made to ss. 679.1041 and 679.3141, F.S., in references thereto; reenacting s. 679.1091(4), F.S., relating to scope, to incorporate the amendments made to ss. 679.2031 and 679.4041, F.S., in references thereto; reenacting s. 679.626(3), F.S., relating to action in which deficiency or surplus is in issue, to incorporate the amendment made to s. 679.628, F.S., in a reference thereto; providing an effective date.

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

Section 1. The Division of Law Revision is directed to create chapter 669, Florida Statutes, to be entitled "Uniform Commercial Code: Controllable Electronic Records and Transitional Provisions."

Section 2. Part I of chapter 669, Florida Statutes, consisting of ss. 669.101-669.107, Florida Statutes, is created and entitled "Controllable Electronic Records."

Section 3. Section 669.101, Florida Statutes, is created to read:

669.101 Short title.—This part may be cited as "Uniform Commercial Code—Controllable Electronic Records."

Section 4. Section 669.102, Florida Statutes, is created to read:

669.102 Definitions.—

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

(a) "Controllable electronic record" means a record in an electronic medium, subject to control under s. 669.105. The term does not include a controllable account, a controllable payment

intangible, a deposit account, an electronic chattel paper, an electronic document of title, electronic money, investment property, or a transferable record.

(b) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record which obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(c) "Transferable record" has the same meaning as provided in:

1. Section 201(a)(1) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s. 7021(a)(1); or

2. Section 668.50(16)(a).

(d) "Value" has the meaning provided in s. 673.3031(1), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible. A controllable electronic record is subject to control as specified in s. 669.105.

(2) The definitions in s. 679.1021 for the terms "account debtor," "chattel paper," "controllable account," "controllable payment intangible," "deposit account," "electronic money," and "investment property" apply to this part.

(3) Chapter 671 contains general definitions and principles of construction and interpretation applicable throughout this part.

Section 5. Section 669.103, Florida Statutes, is created to read:

669.103 Relation to chapter 679 and consumer laws.—

(1) If there is conflict between this part and chapter 679, chapter 679 governs.

(2) A transaction subject to this part is subject to any applicable rule of law that establishes a different rule for consumers; any other law or regulation that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit; and chapter 501.

Section 6. Section 669.104, Florida Statutes, is created to read:

669.104 Rights in controllable account, controllable electronic record, and controllable payment intangible.—

(1) This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (3), (4), (5), (7), and (8) of a purchaser and qualifying purchaser, in the same manner in which this section applies to a controllable electronic record.

(2) In determining whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(3) Except as provided in this section, law other than this part determines whether a person acquires a right in a controllable electronic record and the right that the person acquires.

(4) A purchaser of a controllable electronic record

acquires all rights in the controllable electronic record which the transferor had, or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(5) A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(6) Except as provided in subsections (1) and (5) for a controllable account and a controllable payment intangible or in law other than this part, a qualifying purchaser takes a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(7) An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, regardless of whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(8) Filing of a financing statement under chapter 679 is not notice of a claim of a property right in a controllable electronic record.

Section 7. Section 669.105, Florida Statutes, is created to read:

669.105 Control of controllable electronic record.—

(1) A person has control of a controllable electronic record if the electronic record, a record attached to or

logically associated with the electronic record, or a system in which the electronic record is recorded:

(a) Gives the person:

1. Power to avail itself of substantially all of the benefit from the electronic record; and

2. Exclusive power, subject to paragraph (b), to:

a. Prevent others from availing themselves of substantially all of the benefit from the electronic record; and

b. Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(b) Enables the person to identify itself readily in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in paragraph (a).

(2) Except as provided in subsection (3), a power is exclusive under sub-subparagraphs (1)(a)2.a. and b. even if:

(a) The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(b) The power is shared with another person.

(3) A power of a person is not shared with another person under paragraph (2)(b) and the person's power is not exclusive if:

(a) The person can exercise the power only if the power

also is exercised by the other person; and

(b) The other person:

1. Can exercise the power without exercise of the power by the person; or

2. Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(4) If a person has the powers specified in sub-subparagraphs (1)(a)2.a. and b., the powers are presumed to be exclusive.

(5) A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(a) Has control of the electronic record and acknowledges that it has control on behalf of the person; or

(b) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(6) A person that has control under this section is not required to acknowledge that it has control on behalf of another person unless the person otherwise agrees or law other than this part or chapter 679 provides otherwise.

(7) If a person acknowledges that it has or will obtain control on behalf of another person, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Section 8. Section 669.106, Florida Statutes, is created to read:

669.106 Discharge of account debtor on controllable account or controllable payment intangible.—

(1) An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

(a) The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(b) Except as provided in subsection (2), a person that formerly had control of the controllable electronic record.

(2) Subject to subsection (4), the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(a) Is signed by a person that formerly had control or the person to which control was transferred;

(b) Reasonably identifies the controllable account or controllable payment intangible;

(c) Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(d) Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(e) Provides a commercially reasonable method by which the account debtor is to pay the transferee.

(3) After receipt of a notification that complies with

subsection (2), the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(4) Subject to subsection (8), notification is ineffective under subsection (2):

(a) Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(b) To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this part; or

(c) At the option of the account debtor, if the notification notifies the account debtor to:

1. Divide a payment;

2. Make less than the full amount of an installment or other periodic payment; or

3. Pay any part of a payment by more than one method or to more than one person.

(5) Subject to subsection (8), if requested by the account debtor, the person giving the notification under subsection (2) must seasonably furnish reasonable proof that, using the method in the agreement referred to in paragraph (4)(a), control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may

discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (2).

(6) A person furnishes reasonable proof under subsection (5) that control has been transferred if the person demonstrates that, using the method in an agreement made under paragraph (4)(a), the transferee has the power to:

(a) Avail itself of substantially all the benefit from the controllable electronic record;

(b) Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(c) Transfer the powers specified in paragraphs (a) and (b) to another person.

(7) Subject to subsection (8), an account debtor may not waive or vary its rights under paragraph (4)(a) and subsection (5) or its option under paragraph (4)(c).

(8) This section is subject to law other than this part which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

Section 9. Section 669.107, Florida Statutes, is created to read:

669.107 Governing law.—

(1) Except as provided in subsection (2), the local law of a controllable electronic record's jurisdiction governs a matter covered by this part.

(2) For a controllable electronic record that evidences a controllable account or controllable payment intangible, the

local law of the controllable electronic record's jurisdiction governs a matter covered by s. 669.106 unless an effective agreement determines that the local law of another jurisdiction governs.

(3) The following rules determine a controllable electronic record's jurisdiction under this section:

(a) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this part or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(b) If paragraph (a) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this part or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(c) If paragraphs (a) and (b) do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(d) If paragraphs (a), (b), and (c) do not apply and the rules of the system in which the controllable electronic record

is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(e) If paragraphs (a)-(d) do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(4) If paragraph (3)(e) applies, and Article 12 is not in effect without material modification in the District of Columbia, the governing law for a matter subject to this part is the law of the District of Columbia as though Article 12 were in effect without material modification in the District of Columbia. For the purposes of this subsection, the term "Article 12" means Article 12 of the Uniform Commercial Code Amendments (2022).

(5) To the extent subsections (1) and (2) provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this part, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(6) The rights acquired under s. 669.104 by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

Section 10. Part II of chapter 669, Florida Statutes, consisting of ss. 669.501-669.706, Florida Statutes, is created and entitled "Transitional Provisions."

Section 11. Section 669.501, Florida Statutes, is created to read:

669.501 Short title.—This part may be cited as "Uniform Commercial Code-Controllable Electronic Records."

Section 12. Section 669.502, Florida Statutes, is created to read:

669.502 Definitions.—As used in this part:

(1)(a) "Adjustment date" means July 1, 2026.

(b) "Article 12" means Article 12 of the Uniform Commercial Code.

(c) "Article 12 property" means a controllable account, controllable electronic record, or controllable payment intangible.

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Controllable account," s. 679.1021.

"Controllable electronic record," s. 669.102.

"Controllable payment intangible," s. 679.1021.

"Electronic money," s. 679.1021.

"Financing statement," s. 679.1021.

(3) The general definitions and principles of construction and interpretation contained in chapter 671 apply to this part.

Section 13. Section 669.601, Florida Statutes, is created to read:

669.601 Saving clause.—Except as otherwise provided in this part, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken

effect.

Section 14. Section 669.701, Florida Statutes, is created to read:

669.701 Saving clause.—

(1) Except as provided in this part, chapter 679 as it existed on July 1, 2025, and Article 12 apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before July 1, 2025.

(2) Except as provided in subsection (3) and ss. 669.702-669.706, both of the following apply:

(a) A transaction, lien, or interest in property that was validly entered into, created, or transferred before July 1, 2025, and that was not governed by the Uniform Commercial Code but would be subject to chapter 679 as it existed on July 1, 2025, or to Article 12 if the transaction had been entered into, created, or transferred on or after July 1, 2025, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after July 1, 2025.

(b) The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this part or by the law that would apply if this part had not taken effect.

(3) This section does not affect an action, a case, or a proceeding commenced before July 1, 2025.

Section 15. Section 669.702, Florida Statutes, is created to read:

669.702 Security interest perfected before effective date.—

(1) A security interest that is enforceable and perfected

immediately before July 1, 2025, is a perfected security interest under this act if, on July 1, 2025, the requirements for enforceability and perfection under this section are fully satisfied without further action.

(2) If a security interest is enforceable and perfected immediately before July 1, 2025, but the requirements for enforceability or perfection under this act are not satisfied by July 1, 2025, all of the following apply to the security interest:

(a) It is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before July 1, 2025, or the adjustment date.

(b) It remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under s. 679.2031, as it existed on July 1, 2025, before the adjustment date.

(c) It remains perfected thereafter only if the requirements for perfection under this section are satisfied immediately before July 1, 2025.

Section 16. Section 669.703, Florida Statutes, is created to read:

669.703 Security interest unperfected before effective date.—A security interest that is enforceable immediately before July 1, 2025, but is unperfected by that date:

(1) Remains an enforceable security interest until the adjustment date;

(2) Remains enforceable thereafter if the security interest becomes enforceable under s. 679.2031, as it existed on July 1, 2025, or before the adjustment date; and

(3) Becomes perfected:

(a) Without further action, by July 1, 2025, if the requirements for perfection under this act are satisfied on or before that date; or

(b) When the requirements for perfection are satisfied, if satisfaction occurs after July 1, 2025.

Section 17. Section 669.704, Florida Statutes, is created to read:

669.704 Effectiveness of actions taken before effective date.—

(1) If action, other than the filing of a financing statement, is taken before July 1, 2025, and the action would have resulted in perfection of the security interest had the security interest become enforceable before July 1, 2025, the action is effective to perfect a security interest that attaches under this part before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this part before the adjustment date.

(2) The filing of a financing statement before July 1, 2025, is effective to perfect a security interest on July 1, 2025, to the extent the filing would satisfy the requirements for perfection under this part.

(3) Action taken before July 1, 2025, is sufficient for the enforceability of a security interest as of July 1, 2025, if the action satisfies the requirements for enforceability under this part.

Section 18. Section 669.705, Florida Statutes, is created to read:

669.705 Priority.—

(1) Subject to subsections (2) and (3), this section determines the priority of conflicting claims to collateral.

(2) Subject to subsection (3), if the priority of claims to collateral was established before July 1, 2025, chapter 679 as in effect before July 1, 2025, determines priority.

(3) On the adjustment date, to the extent the priorities determined by chapter 679 as amended by this part modify the priorities established before July 1, 2025, the priorities of claims to Article 12 property and electronic money established before July 1, 2025, cease to apply.

Section 19. Section 669.706, Florida Statutes, is created to read:

669.706 Priority of claims when priority rules of chapter 679 do not apply.—

(1) Subject to subsections (2) and (3), Article 12 determines the priority of conflicting claims to Article 12 property when the priority rules of chapter 679 as amended by this act do not apply.

(2) Subject to subsection (3), when the priority rules of chapter 679 as amended by this act do not apply and the priorities of claims to Article 12 property were established before July 1, 2025, law other than Article 12 determines priority.

(3) When the priority rules of chapter 679 as amended by this part do not apply, to the extent the priorities determined by this act modify the priorities established as of July 1, 2025, the priorities of claims to Article 12 property established before July 1, 2025, cease to apply on the

adjustment date.

Section 20. Paragraph (c) of subsection (1) of section 670.103, Florida Statutes, is amended to read:

670.103 Payment order: definitions.—

(1) In this chapter, the term:

(c) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally or in a record, ~~electronically, or in writing,~~ to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

1. The instruction does not state a condition to payment to the beneficiary other than time of payment;

2. The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

3. The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

Section 21. Section 670.201, Florida Statutes, is amended to read:

670.201 Security procedure.—For purposes of this section, the term "security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of:

(1) Verifying that a payment order or communication amending or canceling a payment order is that of the customer; or

(2) Detecting error in the transmission or the content of the payment order or communication.

A security procedure may impose an obligation on the receiving

bank or the customer and may require the use of algorithms or other codes, identifying words, ~~or~~ numbers, symbols, sounds, biometrics, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer or requiring a payment order to be sent from a known e-mail address, Internet protocol address, or telephone number is not by itself a security procedure.

Section 22. Subsections (2) and (3) of section 670.202, Florida Statutes, are amended, and subsection (6) of that section is republished, to read:

670.202 Authorized and verified payment orders.—

(2) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if the security procedure is a commercially reasonable method of providing security against unauthorized payment orders and the bank proves that it accepted the payment order in good faith and in compliance with the bank's obligations under the security procedure and any ~~written~~ agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates an ~~a written~~ agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(3) The commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank; the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank; alternative security procedures offered to the customer; and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if:

(a) The security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer; and

(b) The customer expressly agreed in a record ~~writing~~ to be bound by any payment order, whether or not authorized, issued in its name and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer.

(6) Except as provided in this section and in s. 670.203(1)(a), rights and obligations arising under this section or s. 670.203 may not be varied by agreement.

Section 23. Paragraph (a) of subsection (1) of section 670.203, Florida Statutes, is amended to read:

670.203 Unenforceability of certain verified payment orders.—

(1) If an accepted payment order is not, under s. 670.202(1), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to s. 670.202(2), the following rules apply:

(a) By express ~~written~~ agreement evidenced by a record, the receiving bank may limit the extent to which it is entitled to

enforce or retain payment of the payment order.

Section 24. Paragraph (b) of subsection (3) of section 670.207, Florida Statutes, is amended to read:

670.207 Misdescription of beneficiary.—

(3) If a payment order described in subsection (2) is accepted, the originator's payment order described the beneficiary inconsistently by name and number, and the beneficiary's bank pays the person identified by number as permitted by paragraph (2)(a), the following rules apply:

(b) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a record ~~writing~~ stating the information to which the notice relates.

Section 25. Paragraph (b) of subsection (2) of section 670.208, Florida Statutes, is amended to read:

670.208 Misdescription of intermediary bank or beneficiary's bank.—

(2) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different

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persons.

(b) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by paragraph (a), as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a record ~~writing~~ stating the information to which the notice relates.

Section 26. Subsection (1) of section 670.21, Florida Statutes, is amended to read:

670.21 Rejection of payment order.—

(1) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally~~,~~ ~~electronically,~~ or in a record ~~writing~~. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order:

(a) Any means complying with the agreement is reasonable; and

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(b) Any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

Section 27. Subsection (1) of section 670.211, Florida Statutes, is amended to read:

670.211 Cancellation and amendment of payment order.—

(1) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally~~, electronically,~~ or in a record ~~writing~~. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

Section 28. Subsections (3) and (4) of section 670.305, Florida Statutes, are amended to read:

670.305 Liability for late or improper execution or failure to execute payment order.—

(3) In addition to the amounts payable under subsections (1) and (2), damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank, evidenced by a record.

(4) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank, evidenced by a record,

but are not otherwise recoverable.

Section 29. Part VI of chapter 670, Florida Statutes, consisting of s. 670.601, Florida Statutes, is created and entitled "Transitional Provisions."

Section 30. Section 670.601, Florida Statutes, is created to read:

670.601 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, the Uniform Commercial Code as though this act had not taken effect.

Section 31. Subsection (1) of section 671.101, Florida Statutes, is amended to read:

671.101 Short title; scope of chapter.—

(1) Chapters 669-680 ~~670-680~~ may be cited as the "Uniform Commercial Code" or "code."

Section 32. Present paragraphs (a) through (g) of subsection (2) of section 671.105, Florida Statutes, are redesignated as paragraphs (b) through (h), respectively, a new paragraph (a) is added to that subsection, and present paragraphs (d) and (e) of that subsection are reenacted, to read:

671.105 Territorial application of the code; parties' power to choose applicable law.—

(2) When one of the following provisions of this code specifies the applicable law, that provision governs; and a

contrary agreement is effective only to the extent permitted by the law (including the conflict-of-laws rules) so specified:

(a) Governing law in the chapter on controllable electronic records. (s. 669.107).

(e)~~(d)~~ Applicability of the chapter on letters of credit. (s. 675.116)

(f)~~(e)~~ Applicability of the chapter on investment securities. (s. 678.1101)

Section 33. Section 671.107, Florida Statutes, is amended to read:

671.107 Waiver or renunciation of claim or right after breach.—A claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by agreement of the aggrieved party in a signed ~~an authenticated~~ record.

Section 34. Present subsections (18) through (47) of section 671.201, Florida Statutes, are redesignated as subsections (19) through (48), respectively, a new subsection (18) is added to that section, and subsections (11) and (16) and present subsections (22), (26), (27), (31), (40), and (41) of that section are amended, to read:

671.201 General definitions.—Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other chapters of this code which apply to particular chapters or parts thereof, have the meanings stated. Subject to definitions contained in other chapters of this code which apply to particular chapters or parts thereof, the term:

(11) "Conspicuous," with reference to a term, means so

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written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" is a decision for the court. ~~Conspicuous terms include the following:~~

~~(a) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(b) Language in the body of a record or display in larger type than the surrounding text or set off from surrounding text of the same size by symbols or other marks that call attention to the language.~~

(16) "Delivery," with respect to an electronic document of title, means voluntary transfer of control and, ~~"delivery,"~~ with respect to instruments, tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, ~~or certificated securities,~~ means voluntary transfer of possession.

(18) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(23)~~(22)~~ "Holder" means:

(a) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(b) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(c) The person in control, other than pursuant to s.

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677.106(7), of a negotiable electronic document of title.

(27)~~(26)~~ Subject to subsection (29) ~~(28)~~, a person has "notice" of a fact if the person:

(a) Has actual knowledge of it;

(b) Has received a notice or notification of it; or

(c) From all the facts and circumstances known to the person at the time in question, has reason to know that it exists. A person "knows" or has "knowledge" of a fact when the person has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this section.

(28)~~(27)~~ A person "notifies" or "gives" a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it. Subject to subsection (29) ~~(28)~~, a person "receives" a notice or notification when:

(a) It comes to that person's attention; or

(b) It is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(32)~~(31)~~ "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; ~~public corporation;~~ or any other legal or commercial entity. The term includes a

protected series, however denominated, of an entity if the protected series is established under law other than the Uniform Commercial Code which limits, or conditionally limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

(41)~~(40)~~ "Send," in connection with a ~~writing,~~ record~~,~~ or notification ~~notice~~, means:

(a) To deposit in the mail, ~~or~~ deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for ~~and properly~~ addressed ~~and, in the case of an instrument, to an address specified thereon or otherwise agreed or, if there be none~~, to any address reasonable under the circumstances; or

(b) To cause the record or notification to be received within the time it would have been received if properly sent under paragraph (a) ~~In any other way to cause to be received any record or notice within the time it would have arrived if properly sent~~.

(42)~~(41)~~ "Sign," "signing," "signed," or "signature" means, with present intent to authenticate or adopt a record, to:

(a) Execute or adopt a tangible symbol; or

(b) Attach to or logically associate with the record an electronic symbol, sound, or process ~~means bearing any symbol executed or adopted by a party with present intention to adopt or accept a writing~~.

Section 35. Section 671.211, Florida Statutes, is amended to read:

671.211 Value.—Except as otherwise provided with respect to

negotiable instruments and bank collections as provided in chapter 669 and ss. 673.3031, 674.2101, and 674.2111, a person gives value for rights if the person acquires them:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for, or in total or partial satisfaction of, a preexisting claim;

(3) By accepting delivery under a preexisting contract for purchase; or

(4) In return for any consideration sufficient to support a simple contract.

Section 36. Part IV of chapter 671, Florida Statutes, consisting of s. 671.401, Florida Statutes, is created and entitled "Transitional Provisions."

Section 37. Section 671.401, Florida Statutes, is created to read:

671.401 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken effect.

Section 38. Section 672.102, Florida Statutes, is amended to read:

672.102 Scope; certain security and other transactions

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excluded from this chapter.—

(1) Unless the context otherwise requires, and except as provided in subsection (2), this chapter applies to transactions in goods and, in the case of a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only those provisions of this chapter which relate primarily to the sale-of-goods aspects of the transaction apply, and those provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this chapter applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction which do not relate to the sale of goods.

(2) This chapter does not do the following:

(a) Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest.

(b) Impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers~~; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this chapter impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers~~.

Section 39. Section 672.106, Florida Statutes, is amended to read:

672.106 Definitions: "contract"; "agreement"; "contract for sale"; "sale"; "present sale"; "conforming" to contract; "termination"; "cancellation~~.~~"; "hybrid transaction."—

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(1) In this chapter, unless the context clearly requires otherwise, the meaning of the terms ~~requires~~ "contract" and "agreement" is ~~are~~ limited to those contracts and agreements relating to the present or future sale of goods. The term "contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (s. 672.401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. Upon ~~On~~ termination, all obligations that ~~which~~ are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.

(5) The term "hybrid transaction" means a single transaction involving a sale of goods and any of the following:

(a) The provision of services.

(b) A lease of other goods.

(c) A sale, lease, or license of property other than goods.

Section 40. Subsections (1) and (2) of section 672.201,

Florida Statutes, are amended to read:

672.201 Formal requirements; statute of frauds.—

(1) Except as otherwise provided in this section a contract for the sale of goods for the price of $500 or more is not enforceable by way of action or defense unless there is a record ~~some writing~~ sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by the party's ~~his or her~~ authorized agent or broker. A record ~~writing~~ is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this subsection ~~paragraph~~ beyond the quantity of goods shown in the record ~~such writing~~.

(2) Between merchants if within a reasonable time a record ~~writing~~ in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against the ~~such~~ party unless ~~written~~ notice in a record of objection to its contents is given within 10 days after it is received.

Section 41. Section 672.202, Florida Statutes, is amended to read:

672.202 Final ~~written~~ expression; parol or extrinsic evidence.—Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a record ~~writing~~ intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) By course of dealing or usage of trade (s. 671.205) or by course of performance (s. 672.208); and

(2) By evidence of consistent additional terms unless the court finds the record ~~writing~~ to have been intended also as a complete and exclusive statement of the terms of the agreement.

Section 42. Section 672.203, Florida Statutes, is amended to read:

672.203 Seals inoperative.—The affixing of a seal to a record ~~writing~~ evidencing a contract for sale or an offer to buy or sell goods does not constitute a record ~~the writing~~ a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

Section 43. Section 672.205, Florida Statutes, is amended to read:

672.205 Firm offers.—An offer by a merchant to buy or sell goods in a signed record ~~writing~~ which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed 3 months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

Section 44. Subsection (2) of section 672.209, Florida Statutes, is amended to read:

672.209 Modification, rescission, and waiver.—

(2) A signed agreement which excludes modification or rescission except by a signed writing or other signed record cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant

must be separately signed by the other party.

Section 45. Part VIII of chapter 672, Florida Statutes, consisting of s. 672.801, Florida Statutes, is created and entitled "Transitional Provisions."

Section 46. Section 672.801, Florida Statutes, is created to read:

672.801 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken effect.

Section 47. Subsection (1) of section 673.1041, Florida Statutes, is amended to read:

673.1041 Negotiable instrument.—

(1) Except as provided in subsections (3), (4), and (11), the term "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(a) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(b) Is payable on demand or at a definite time; and

(c) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain:

1. An undertaking or power to give, maintain, or protect collateral to secure payment;

2. An authorization or power to the holder to confess judgment or realize on or dispose of collateral; ~~or~~

3. A waiver of the benefit of any law intended for the advantage or protection of an obligor;

4. A term that specifies the law that governs the promise or order; or

5. An undertaking to resolve, in a specified forum, a dispute concerning the promise or order.

Section 48. Subsection (1) of section 673.1051, Florida Statutes, is amended to read:

673.1051 Issue of instrument.—

(1) The term "issue" means:

(a) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or

(b) If agreed to by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item which enables the depositary bank to collect the item under federal law by transferring or presenting an electronic check.

Section 49. Section 673.4011, Florida Statutes, is amended to read:

673.4011 Signature.—

~~(1)~~ A person is not liable on an instrument unless~~:~~

~~(a)~~ the person signed the instrument~~;~~ or

~~(b)~~ the person is represented by an agent or representative who signed the instrument, and the signature is binding on the

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represented person under s. 673.4021.

~~(2) A signature may be made:~~

~~(a) Manually or by means of a device or machine; and~~

~~(b) By the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.~~

Section 50. Subsection (1) of section 673.6041, Florida Statutes, is amended to read:

673.6041 Discharge by cancellation or renunciation.—

(1) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument:

(a) By an intentional voluntary act, such as:

1. Surrender of the instrument to the party;

2. Destruction, mutilation, or cancellation of the instrument;

3. Cancellation or striking out of the party's signature; or

4. Addition of words to the instrument indicating discharge; or

(b) By agreeing not to sue or otherwise renouncing rights against the party by a signed writing.

The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process that involves the extraction of information from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

Section 51. Part VII of chapter 673, Florida Statutes,

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consisting of s. 673.702, Florida Statutes, is created and entitled "Transitional Provisions."

Section 52. Section 673.702, Florida Statutes, is created to read:

673.702 Savings clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken effect.

Section 53. Section 675.104, Florida Statutes, is amended to read:

675.104 Formal requirements.—A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a signed record ~~and is authenticated by a signature or in accordance with the agreement of the parties or the standard practice referred to in s. 675.108(5)~~.

Section 54. Section 675.116, Florida Statutes, is amended to read:

675.116 Choice of law and forum.—

(1) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~or otherwise authenticated~~ by the affected parties ~~in the manner provided in s. 675.104~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The

jurisdiction whose law is chosen need not bear any relation to the transaction.

(2) Unless subsection (1) applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(a) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under paragraph (b) ~~this subsection~~.

(b) A bank branch is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

(c)~~(3)~~ Except as otherwise provided in this paragraph ~~subsection~~, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If this chapter governs the liability of an issuer, nominated person, or adviser under subsection (1) or this subsection ~~(2)~~, the relevant undertaking incorporates rules of custom or practice, and there is conflict between this chapter and such rules as applied to that undertaking, such

rules govern except to the extent of any conflict with the nonvariable provisions specified in s. 675.102(3).

(3)~~(4)~~ This chapter governs to the extent of any conflict between this chapter and chapter 670, chapter 673, chapter 674, or chapter 679.

(4)~~(5)~~ The forum for settling disputes arising out of an undertaking within this chapter may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (1).

Section 55. Section 675.119, Florida Statutes, is created to read:

675.119 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken effect.

Section 56. Paragraphs (j) and (l) of subsection (1) of section 677.102, Florida Statutes, are amended to read:

677.102 Definitions and index of definitions.—

(1) In this chapter, unless the context otherwise requires:

~~(j) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~

~~(l) "Sign" means, with present intent to authenticate or adopt a record:~~

~~1. To execute or adopt a tangible symbol; or~~

~~2. To attach to or logically associate with the record an electronic sound, symbol, or process.~~

Section 57. Subsection (2) of section 677.106, Florida Statutes, is amended, and subsections (3) through (9) are added to that section, to read:

677.106 Control of electronic document of title.—

(2) A system satisfies subsection (1), and a person has ~~is deemed to have~~ control of an electronic document of title, if the document is created, stored, and transferred ~~assigned~~ in a manner that:

(a) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (d), (e), and (f), unalterable;

(b) The authoritative copy identifies the person asserting control as:

1. The person to which the document was issued; or

2. If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d) Copies or amendments that add or change an identified transferee ~~assignee~~ of the authoritative copy can be made only with the consent of the person asserting control;

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any amendment of the authoritative copy is readily

identifiable as authorized or unauthorized.

(3) A system satisfies subsection (1), and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(a) Enables the person to readily identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b) Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(c) Gives the person exclusive power, subject to subsection (4), to:

1. Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

2. Transfer control of each authoritative electronic copy.

(4) Subject to subsection (5), a power is exclusive under subparagraphs (3)(c)1. and 2. even if:

(a) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(b) The power is shared with another person.

(5) A power of a person is not shared with another person under paragraph (4)(b) and the person's power is not exclusive

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if:

(a) The person can exercise the power only if the power also is exercised by the other person; and

(b) The other person:

1. Can exercise the power without exercise of the power by the person; or

2. Is the transferor to the person of an interest in the document of title.

(6) If a person has the powers specified in subparagraphs (3)(c)1. and 2., the powers are presumed to be exclusive.

(7) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(a) Has control of the document and acknowledges that it has control on behalf of the person; or

(b) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(8) A person that has control as provided under this section is not required to acknowledge that it has control on behalf of another person.

(9) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this chapter or chapter 679 otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Section 58. Part VII of chapter 677, Florida Statutes, consisting of s. 677.701, Florida Statutes, is created and

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entitled "Transitional Provisions."

Section 59. Section 677.701, Florida Statutes, is created to read:

677.701 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not have taken effect.

Section 60. Paragraph (f) of subsection (1) and subsection (2) of section 678.1021, Florida Statutes, are amended, and paragraph (i) of subsection (1) of that section is republished, to read:

678.1021 Definitions.—

(1) In this chapter:

(f) "Communicate" means to:

1. Send a signed record ~~writing~~; or

2. Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(i) "Financial asset," except as otherwise provided in s. 678.1031, means:

1. A security;

2. An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

3. Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this chapter. As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(2) The following ~~Other~~ definitions in ~~applying to~~ this chapter and other chapters apply to this section ~~the sections in which they appear are~~:

"Appropriate person," s. 678.1071.

"Control," s. 678.1061.

"Controllable account," s. 679.1021.

"Controllable electronic record," s. 669.102.

"Controllable payment intangible," s. 679.1021.

"Delivery," s. 678.3011.

"Investment company security," s. 678.1031(2).

"Issuer," s. 678.2011.

"Overissue," s. 678.2101.

"Protected purchaser," s. 678.3031.

"Securities account," s. 678.5011.

Section 61. Subsection (6) of section 678.1031, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

678.1031 Rules for determining whether certain obligations and interests are securities or financial assets.—

(6) A commodity contract, as defined in s. 679.1021(1) ~~s. 679.1021(1)(o)~~, is not a security or a financial asset.

(8) A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless s. 678.1021(1)(i) applies.

Section 62. Subsection (4) of section 678.1061, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

678.1061 Control.—

(4) A purchaser has "control" of a security entitlement if:

(a) The purchaser becomes the entitlement holder;

(b) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(c) Another person, other than the transferor to the purchaser of an interest in the security entitlement:

1. Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

2. Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser ~~has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that the person has control on behalf of the purchaser~~.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(9) If a person acknowledges that it has or will obtain control on behalf of a purchaser unless the person otherwise agrees, or law other than this section or chapter 679 otherwise

provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person.

Section 63. Subsection (7) is added to section 678.1101, Florida Statutes, to read:

678.1101 Applicability; choice of law.—

(7) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or subsection (2) even if the matter or transaction does not bear any relation to the jurisdiction.

Section 64. Subsection (2) of section 678.3031, Florida Statutes, is amended to read:

678.3031 Protected purchaser.—

(2) ~~In addition to acquiring the rights of a purchaser,~~ A protected purchaser ~~also~~ acquires its interest in the security free of any adverse claim.

Section 65. Part VI of chapter 678, Florida Statutes, consisting of s. 678.601, Florida Statutes, is created and entitled "Transitional Provisions."

Section 66. Section 678.601, Florida Statutes, is created to read:

678.601 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code, or if applicable, by the Uniform Commercial Code as though this act had not taken

effect.

Section 67. Present paragraphs (h) through (aa), (bb) through (bbb), (ccc) through (uuu), and (www) through (bbbb) of subsection (1) of section 679.1021, Florida Statutes, are redesignated as paragraphs (i) through (bb), (ee) through (eee), (ggg) through (yyy), and (zzz) through (eeee), respectively, new paragraphs (h), (cc), (dd), and (fff) are added to that subsection, and paragraphs (b), (c), (d), and (g) and present paragraphs (k), (ee), (pp), (uu), (iii), (nnn), (vvv), and (zzz) of subsection (1) and subsection (2) of that section are amended, to read:

679.1021 Definitions and index of definitions.—

(1) In this chapter, the term:

(b) "Account," except as used in "account for," "account statement," "account to," "commodity account" as used in paragraph (o), "customer account," "deposit account" as used in paragraph (ff), "on account of," and "statement of account," means a right to payment of a monetary obligation, regardless of whether ~~or not~~ earned by performance, for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of; for services rendered or to be rendered; for a policy of insurance issued or to be issued; for a secondary obligation incurred or to be incurred; for energy provided or to be provided; for the use or hire of a vessel under a charter or other contract; arising out of the use of a credit or charge card or information contained on or for use with the card; or as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or

governmental unit of a state. The term includes controllable accounts and health-care-insurance receivables. The term does not include ~~rights to payment evidenced by~~ chattel paper ~~or an instrument~~; commercial tort claims; deposit accounts; investment property; letter-of-credit rights or letters of credit; ~~or~~ rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card; or rights to payment evidenced by an instrument.

(c) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument evidences ~~constitutes part of~~ chattel paper.

(d) "Accounting," except as used in the term "accounting for," means a record:

1. Signed ~~Authenticated~~ by a secured party;

2. Indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

3. Identifying the components of the obligations in reasonable detail.

(g) "Assignee," except as used in "assignee for benefit of creditors," means a person:

1. In whose favor a security interest that secures an obligation is created or provided for under a security agreement, regardless of whether the obligation is outstanding; or

2. To which an account, chattel paper, payment intangible,

or promissory note has been sold.

The term includes a person to which a security interest has been transferred by a secured party.

(h) "Assignor" means a person that:

1. Under a security agreement creates or provides for a security interest that secures an obligation; or

2. Sells an account, chattel paper, payment intangible, or promissory note.

The term includes a secured party that has transferred a security interest to another person ~~"Authenticate" means:~~

~~1. To sign; or~~

~~2. With the present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process~~.

(l)~~(k)~~ "Chattel paper" means:

1. A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

2. A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

a. The right to payment and lease agreement are evidenced by a record; and

b. The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card ~~a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel or records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper~~.

(cc) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under s. 669.105 of the controllable electronic record.

(dd) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under s. 669.105 of the controllable electronic

record.

(hh) ~~(cc)~~ "Electronic money" means money in an electronic form ~~chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium~~.

(ss) ~~(pp)~~ "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes controllable electronic records, payment intangibles, and software.

(xx) ~~(uu)~~ "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in the ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include investment property, letters of credit, ~~or~~ writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, or writings that evidence chattel paper.

(fff) "Money" has the same meaning as in s. 671.201, but does not include a deposit account or money in an electronic form that cannot be subjected to control under s. 679.1052.

(mmm) ~~(iii)~~ "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. The term includes a controllable payment intangible.

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(rrr) ~~(nnn)~~ "Proposal" means a record signed ~~authenticated~~ by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to ss. 679.620, 679.621, and 679.622.

~~(vvv) "Send," in connection with a record or notification, means:~~

~~1. To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~2. To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph 1.~~

(cccc) ~~(zzz)~~ "Tangible money ~~chattel paper~~" means money in tangible form ~~chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium~~.

(2) The following definitions in other chapters apply to this chapter:

"Applicant," s. 675.103.

"Beneficiary," s. 675.103.

"Broker," s. 678.1021.

"Certificated security," s. 678.1021.

"Check," s. 673.1041.

"Clearing corporation," s. 678.1021.

"Contract for sale," s. 672.106.

"Control," s. 677.106.

"Controllable electronic record," s. 669.102.

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"Customer," s. 674.104.
"Entitlement holder," s. 678.1021.
"Financial asset," s. 678.1021.
"Holder in due course," s. 673.3021.
"Issuer" (with respect to a letter of credit or letter-of-credit right), s. 675.103.
"Issuer" (with respect to a security), s. 678.2011.
"Issuer" (with respect to documents of title), s. 677.102.
"Lease," s. 680.1031.
"Lease agreement," s. 680.1031.
"Lease contract," s. 680.1031.
"Leasehold interest," s. 680.1031.
"Lessee," s. 680.1031.
"Lessee in ordinary course of business," s. 680.1031.
"Lessor," s. 680.1031.
"Lessor's residual interest," s. 680.1031.
"Letter of credit," s. 675.103.
"Merchant," s. 672.104.
"Negotiable instrument," s. 673.1041.
"Nominated person," s. 675.103.
"Note," s. 673.1041.
"Proceeds of a letter of credit," s. 675.114.
"Protected purchaser," s. 678.3031.
"Prove," s. 673.1031.
"Qualifying purchaser," s. 669.102.
"Sale," s. 672.106.
"Securities account," s. 678.5011.

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"Securities intermediary," s. 678.1021.
"Security," s. 678.1021.
"Security certificate," s. 678.1021.
"Security entitlement," s. 678.1021.
"Uncertificated security," s. 678.1021.

Section 68. Subsection (1) of section 679.1041, Florida Statutes, is amended to read:

679.1041 Control of deposit account.—

(1) A secured party has control of a deposit account if any of the following applies:

(a) The secured party is the bank with which the deposit account is maintained.~~;~~

(b) The debtor, secured party, and bank have agreed in a signed ~~an authenticated~~ record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor.~~; or~~

(c) The secured party becomes the bank's customer with respect to the deposit account.

(d) Another person, other than the debtor:

1. Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

2. Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

Section 69. Section 679.1051, Florida Statutes, is amended to read:

679.1051 Control of electronic chattel paper.—

(1) A purchaser has control of an authoritative electronic

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copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.

(2) A system satisfies subsection (1) if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:

(a) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in paragraphs (d), (e), and (f), unalterable;

(b) The authoritative copy identifies the purchaser as the assignee of the record or records;

(c) The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;

(d) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(3) A system satisfies subsection (1), and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(a) Enables the purchaser to readily identify each electronic copy as either an authoritative copy or a

nonauthoritative copy;

(b) Enables the purchaser to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and

(c) Gives the purchaser exclusive power, subject to subsection (4), to:

1. Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

2. Transfer control of the authoritative electronic copy.

(4) Subject to subsection (5), a power is exclusive under subparagraphs (3)(c)1. and 2. even if:

(a) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or

(b) The power is shared with another person.

(5) A power of a purchaser is not shared with another person as provided in paragraph (4)(b) and the purchaser's power is not exclusive if:

(a) The purchaser can exercise the power only if the power also is exercised by the other person; and

(b) The other person:

1. Can exercise the power without exercise of the power by the purchaser; or

2. Is the transferor to the purchaser of an interest in the chattel paper.

(6) If a purchaser has the powers specified in subparagraphs (3)(c)1. and 2., the powers are presumed to be exclusive.

(7) A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(a) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(b) Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser ~~A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.~~

~~(2) A system satisfies subsection (1), and a secured party has control of electronic chattel paper, if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:~~

~~(a) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (d), (e), and (f), unalterable;~~

~~(b) The authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(c) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(d) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the~~

~~consent of the secured party;~~

~~(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(f) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized~~.

Section 70. Section 679.1052, Florida Statutes, is created to read:

679.1052 Control of electronic money.—

(1) A person has control of electronic money if both of the following apply:

(a) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded gives the person:

1. Power to avail itself of substantially all the benefit from the electronic money; and

2. Exclusive power, subject to subsection (2), to:

a. Prevent others from availing themselves of substantially all the benefit from the electronic money; and

b. Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money.

(b) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under paragraph (a).

(2) Subject to subsection (3), a power is exclusive under sub-subparagraphs (1)(a)2.a. and b. even if:

(a) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or

(b) The power is shared with another person.

(3) A power of a person is not shared with another person under paragraph (2)(b) and the person's power is not exclusive if:

(a) The person can exercise the power only if the power also is exercised by the other person; and

(b) The other person:

1. Can exercise the power without exercise of the power by the person; or

2. Is the transferor to the person of an interest in the electronic money.

(4) If a person has the powers specified in sub-subparagraphs (1)(a)2.a. and b., the powers are presumed to be exclusive.

(5) A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:

(a) Has control of the electronic money and acknowledges that it has control on behalf of the person; or

(b) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

Section 71. Section 679.1053, Florida Statutes, is created to read:

679.1053 Control of controllable electronic record, controllable account, or controllable payment intangible.—

(1) A secured party has control of a controllable electronic record as provided in s. 669.105.

(2) A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

Section 72. Section 679.1054, Florida Statutes, is created to read:

679.1054 No requirement to acknowledge or confirm; no duties.—

(1) A person that has control under s. 679.1051, s. 679.1052, or s. 679.1053 is not required to acknowledge that it has control on behalf of another person.

(2) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees, or law other than this chapter otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Section 73. Subsections (2) and (10) of section 679.2031, Florida Statutes, are amended to read:

679.2031 Attachment and enforceability of security interest; proceeds; supporting obligations; formal requisites.—

(2) Except as otherwise provided in subsections (3) through (10), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(a) Value has been given;

(b) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(c) One of the following conditions is met:

1. The debtor has signed ~~authenticated~~ a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

2. The collateral is not a certificated security and is in the possession of the secured party under s. 679.3131 pursuant to the debtor's security agreement;

3. The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under s. 678.3011 pursuant to the debtor's security agreement; ~~or~~

4. The collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money ~~chattel paper~~, investment property, or letter-of-credit rights, ~~or electronic documents,~~ and the secured party has control under s. 669.105, s. 677.106, s. 679.1041, s. 679.1051, s. 679.1061, or s. 679.1071 pursuant to the debtor's security agreement; or

5. The collateral is chattel paper and the secured party has possession and control under s. 679.3152 pursuant to the debtor's security agreement.

(10) A security interest in an account consisting of a right to payment of a monetary obligation for the sale of real property that is the debtor's homestead under the laws of this state is not enforceable unless:

(a) The description of the account in the security agreement conspicuously states that the collateral includes the debtor's right to payment of a monetary obligation for the sale of real property;

(b) The description of the account in the security agreement includes a legal description of the real property;

(c) The description of the account in the security agreement conspicuously states that the real property is the debtor's homestead; and

(d) The security agreement is also signed ~~authenticated~~ by the debtor's spouse, if the debtor is married; if the debtor's spouse is incompetent, then the method of signature ~~authentication~~ by the debtor's spouse is the same as provided by the laws of this state, other than this chapter, which apply to the alienation or encumbrance of homestead property by an incompetent person.

Section 74. Present subsection (3) of section 679.2041, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

679.2041 After-acquired property; future advances.—

(2) Subject to subsection (3), a security interest does not attach under a term constituting an after-acquired property clause to:

(a) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within 10 days after the secured party gives value; or

(b) A commercial tort claim.

(3) Subsection (2) does not prevent a security interest

from attaching:

(a) To a consumer good as proceeds under s. 679.3151(1) or commingled goods under s. 679.336(3);

(b) To a commercial tort claim as proceeds under s. 679.3151(1); or

(c) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

Section 75. Subsection (3) of section 679.2071, Florida Statutes, is amended to read:

679.2071 Rights and duties of secured party having possession or control of collateral.—

(3) Except as otherwise provided in subsection (4), a secured party having possession of collateral or control of collateral under s. 677.106, s. 679.1041, s. 679.1051, s. 679.1052, s. 679.1061, or s. 679.1071:

(a) May hold as additional security any proceeds, except money or funds, received from the collateral;

(b) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(c) May create a security interest in the collateral.

Section 76. Subsection (2) of section 679.2081, Florida Statutes, is amended to read:

679.2081 Additional duties of secured party having control of collateral.—

(2) Within 10 days after receiving a signed ~~an authenticated~~ demand by the debtor:

(a) A secured party having control of a deposit account under s. 679.1041(1)(b) shall send to the bank with which the

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deposit account is maintained a signed record ~~an authenticated statement~~ that releases the bank from any further obligation to comply with instructions originated by the secured party;

(b) A secured party having control of a deposit account under s. 679.1041(1)(c) shall:

1. Pay the debtor the balance on deposit in the deposit account; or

2. Transfer the balance on deposit into a deposit account in the debtor's name;

(c) A secured party, other than a buyer, having control under s. 679.1051 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor ~~a secured party, other than a buyer, having control of electronic chattel paper under s. 679.1051 shall:~~

~~1. Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~2. If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~3. Take appropriate action to enable the debtor or the debtor's designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the~~

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~~secured party~~;

(d) A secured party having control of investment property under s. 678.1061(4)(b) or s. 679.1061(2) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained a signed ~~an authenticated~~ record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(e) A secured party having control of a letter-of-credit right under s. 679.1071 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party a signed ~~an authenticated~~ release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~and~~

(f) A secured party having control under s. 677.106 of an authoritative electronic copy of an electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(g) A secured party having control under s. 679.1052 of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and

(h) A secured party having control under s. 669.105 of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor ~~of an electronic document shall:~~

~~1. Give control of the electronic document to the debtor or~~

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~~its designated custodian;~~

~~2. If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~3. Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authenticated copy which add or change an identified assignee of the authoritative copy without the consent of the secured party~~.

Section 77. Subsection (2) of section 679.209, Florida Statutes, is amended to read:

679.209 Duties of secured party if account debtor has been notified of assignment.—

(2) Within 10 days after receiving a signed ~~an authenticated~~ demand by the debtor, a secured party shall send to an account debtor that has received notification under s. 669.106(2) or s. 679.4061(1) of an assignment to the secured party as assignee a signed ~~under s. 679.4061(1) an authenticated~~ record that releases the account debtor from any further obligation to the secured party.

Section 78. Section 679.210, Florida Statutes, is amended to read:

679.210 Request for accounting; request regarding list of collateral or statement of account.—

(1) In this section, the term:

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(a) "Request" means a record of a type described in paragraph (b), paragraph (c), or paragraph (d).

(b) "Request for an accounting" means a record signed ~~authenticated~~ by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(c) "Request regarding a list of collateral" means a record signed ~~authenticated~~ by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(d) "Request regarding a statement of account" means a record signed ~~authenticated~~ by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(e) "Reasonably identifying the transaction or relationship" means that the request provides information sufficient for the person to identify the transaction or relationship and respond to the request. Pursuant to s. 679.603(1), a secured party and debtor may determine by agreement the standards for measuring fulfillment of this duty.

(f) "Person" means a person or entity that is or was a secured party or otherwise claims or has claimed an interest in the collateral.

(2) Subject to subsections (3)-(6) ~~(3), (4), (5), and (6)~~,

a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within 14 days after receipt:

(a) In the case of a request for an accounting, by signing ~~authenticating~~ and sending to the debtor an accounting; and

(b) In the case of a request regarding a list of collateral or a request regarding a statement of account, by signing ~~authenticating~~ and sending to the debtor an approval or correction.

(3) A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor a signed ~~an authenticated~~ record including a statement to that effect within 14 days after receipt.

(4) A person who receives a request regarding a list of collateral, claims no interest in the collateral when the request is received, and claimed an interest in the collateral at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor a signed ~~an authenticated~~ record:

(a) Disclaiming any interest in the collateral; and

(b) If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.

(5) A person who receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when the request is received, and claimed an interest in the obligations at an earlier time shall comply with the request within 14 days after receipt by sending to the

debtor a signed ~~an authenticated~~ record:

(a) Disclaiming any interest in the obligations; and

(b) If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

(6) A debtor is entitled under this section without charge to one response to a request for an accounting or a request regarding a statement of account for each secured obligation during any 6-month period. A debtor in a consumer transaction is entitled to a single response to a request regarding a list of collateral without charge during any 6-month period. The secured party may require payment of a charge not exceeding $25 for each additional response to a request for an accounting, a request regarding a statement of account, or a request regarding a list of collateral for a consumer transaction. To the extent provided in a signed ~~an authenticated~~ record, the secured party may require the payment of reasonable expenses, including attorney's fees, reasonably incurred in providing a response to a request regarding a list of collateral for a transaction other than a consumer transaction under this section; otherwise, the secured party may not charge more than $25 for each request regarding a list of collateral. Excluding a request related to a proposed satisfaction of the secured obligation, a secured party is not required to respond to more than 12 of each of the permitted requests in any 12-month period.

Section 79. Section 679.3011, Florida Statutes, is amended to read:

679.3011 Law governing perfection and priority of security interests.—Except as otherwise provided in ss. 679.1091,

679.3031, 679.3041, 679.3051, ~~and~~ 679.3061, and 679.3062, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsections (4) and (5), while tangible negotiable documents, goods, instruments, or tangible money~~, or tangible chattel paper~~ is located in a jurisdiction, the local law of that jurisdiction governs:

(a) Perfection of a security interest in the goods by filing a fixture filing;

(b) Perfection of a security interest in timber to be cut; and

(c) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

(5) The law of this state governs:

(a) The perfection of a security interest in goods that are

or are to become fixtures in this state by the filing of a fixture filing.

(b) The effect of perfection or nonperfection and the priority of a security interest in goods that are or are to become fixtures in this state.

Section 80. Subsection (1) of section 679.3041, Florida Statutes, is amended to read:

679.3041 Law governing perfection and priority of security interests in deposit accounts.—

(1) The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank even if the transaction does not bear any relation to the bank's jurisdiction.

Section 81. Paragraph (e) is added to subsection (1) of section 679.3051, Florida Statutes, to read:

679.3051 Law governing perfection and priority of security interests in investment property.—

(1) Except as otherwise provided in subsection (3), the following rules apply:

(e) Paragraphs (b), (c), and (d) apply even if the transaction does not bear any relation to the jurisdiction.

Section 82. Section 679.3062, Florida Statutes, is created to read:

679.3062 Law governing perfection and priority of security interests in chattel paper.—

(1) Except as provided in subsection (4), if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic

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copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(2) The following rules determine the chattel paper's jurisdiction under this section:

(a) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of s. 679.3061, this chapter, or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(b) If paragraph (a) does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of s. 679.3061, this chapter, or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(c) If paragraphs (a) and (b) do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(d) If paragraphs (a), (b), and (c) do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly

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provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(e) If paragraphs (a)-(d) do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(3) If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(a) Perfection of a security interest in the chattel paper by possession under s. 679.3152; and

(b) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(4) The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

Section 83. Section 679.3063, Florida Statutes, is created to read:

679.3063 Law governing perfection and priority of security interests in controllable accounts, controllable electronic records, and controllable payment intangibles.—

(1) Except as provided in subsection (2), the local law of the controllable electronic record's jurisdiction specified in s. 669.107(3) and (4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(2) The local law of the jurisdiction in which the debtor is located governs:

(a) Perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and

(b) Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

Section 84. Subsection (2) of section 679.3101, Florida Statutes, is amended, and subsection (1) of that section is republished, to read:

679.3101 When filing required to perfect security interest or agricultural lien; security interests and agricultural liens to which filing provisions do not apply.—

(1) Except as otherwise provided in subsection (2) and s. 679.3121(2), a financing statement must be filed to perfect all security interests and agricultural liens.

(2) The filing of a financing statement is not necessary to perfect a security interest:

(a) That is perfected under s. 679.3081(4), (5), (6), or (7);

(b) That is perfected under s. 679.3091 when it attaches;

(c) In property subject to a statute, regulation, or treaty described in s. 679.3111(1);

(d) In goods in possession of a bailee which is perfected under s. 679.3121(4)(a) or (b);

(e) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under s. 679.3121(5), (6), or (7);

(f) In collateral in the secured party's possession under s. 679.3131;

(g) In a certificated security which is perfected by delivery of the security certificate to the secured party under s. 679.3131;

(h) In controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ~~electronic chattel paper,~~ electronic documents, investment property, or letter-of-credit rights which is perfected by control under s. 679.3141(1) ~~s. 679.3141~~;

(i) In proceeds which is perfected under s. 679.3151; or

(j) That is perfected under s. 679.3161.

Section 85. Section 679.3121, Florida Statutes, is amended to read:

679.3121 Perfection of security interests in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money; perfection by permissive filing; temporary perfection without filing or transfer of possession.—

(1) A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles ~~negotiable documents~~, instruments, ~~or~~ investment property, or negotiable documents may be perfected by filing.

(2) Except as otherwise provided in s. 679.3151(3) and (4) for proceeds:

(a) A security interest in a deposit account may be perfected only by control under s. 679.3141.

(b) And except as otherwise provided in s. 679.3081(4), a security interest in a letter-of-credit right may be perfected only by control under s. 679.3141.

(c) A security interest in tangible money may be perfected only by the secured party's taking possession under s. 679.3131.

(d) A security interest in electronic money may be perfected only by control under s. 679.3141.

(3) While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(a) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(b) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(4) While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(a) Issuance of a document in the name of the secured party;

(b) The bailee's receipt of notification of the secured party's interest; or

(c) Filing as to the goods.

(5) A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of 20 days from the time it attaches to the extent that it arises for new value given under a signed ~~an authenticated~~ security agreement.

(6) A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has

issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(a) Ultimate sale or exchange; or

(b) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(7) A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(a) Ultimate sale or exchange; or

(b) Presentation, collection, enforcement, renewal, or registration of transfer.

(8) After the 20-day period specified in subsection (5), subsection (6), or subsection (7) expires, perfection depends upon compliance with this chapter.

Section 86. Subsections (1), (3), and (4) of section 679.3131, Florida Statutes, are amended to read:

679.3131 When possession by or delivery to secured party perfects security interest without filing.—

(1) Except as otherwise provided in subsection (2), a secured party may perfect a security interest in ~~tangible negotiable documents,~~ goods, instruments, negotiable tangible documents, or tangible money~~, or tangible chattel paper~~ by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under s. 678.3011.

(3) With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(a) The person in possession signs ~~authenticates~~ a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(b) The person takes possession of the collateral after having signed ~~authenticated~~ a record acknowledging that the person will hold possession of the collateral for the secured party's benefit.

(4) If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs not ~~no~~ earlier than the time the secured party takes possession and continues only while the secured party retains possession.

Section 87. Section 679.3141, Florida Statutes, is amended to read:

679.3141 Perfection by control.—

(1) A security interest in controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights ~~investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents~~ may be perfected by control of the collateral under s. 677.106, s. 679.1041, s. 679.1052, s. 679.1053 ~~s. 679.1051~~, s. 679.1061, or

s. 679.1071.

(2) A security interest in controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, or letter-of-credit rights ~~deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents~~ is perfected by control under s. 677.106, s. 679.1041, s. 679.1052, s. 679.1053 ~~s. 679.1051~~, or s. 679.1071 not earlier than the time ~~when~~ the secured party obtains control and remains perfected by control only while the secured party retains control.

(3) A security interest in investment property is perfected by control under s. 679.1061 not earlier than ~~from~~ the time the secured party obtains control and remains perfected by control until:

(a) The secured party does not have control; and

(b) One of the following occurs:

1. If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

2. If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

3. If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

Section 88. Section 679.3152, Florida Statutes, is created to read:

679.3152 Perfection by possession and control of chattel paper.—

(1) A secured party may perfect a security interest in

chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(2) A security interest is perfected under subsection (1) not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (1) only while the secured party retains possession and control.

(3) Section 679.3131(3) and (5)-(8) applies to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

Section 89. Subsections (1) and (6) of section 679.3161, Florida Statutes, are amended to read:

679.3161 Continued perfection of security interest following change in governing law.—

(1) A security interest perfected pursuant to the law of the jurisdiction designated in s. 679.3011(1), ~~or~~ s. 679.3051(3), s. 679.3062(4), or s. 679.3063(2) remains perfected until the earliest of:

(a) The time perfection would have ceased under the law of that jurisdiction;

(b) The expiration of 4 months after a change of the debtor's location to another jurisdiction; or

(c) The expiration of 1 year after a transfer of collateral to a person who thereby becomes a debtor and is located in another jurisdiction.

(6) A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, letter-of-credit rights, or

investment property which is perfected under the law of the chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a) The time the security interest would have become unperfected under the law of that jurisdiction; or

(b) The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

Section 90. Subsections (2) and (4) of section 679.3171, Florida Statutes, are amended, subsections (8) through (11) are added to that section, and subsection (1) of that section is republished, to read:

679.3171 Interests that take priority over or take free of security interest or agricultural lien.—

(1) A security interest or agricultural lien is subordinate to the rights of:

(a) A person entitled to priority under s. 679.322; and

(b) Except as otherwise provided in subsection (5), a person who becomes a lien creditor before the earlier of the time:

1. The security interest or agricultural lien is perfected; or

2. One of the conditions specified in s. 679.2031(2)(c) is met and a financing statement covering the collateral is filed.

(2) Except as otherwise provided in subsection (5), a buyer, other than a secured party, of ~~tangible chattel paper,~~

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~~tangible documents,~~ goods, instruments, tangible documents, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(4) Subject to subsections (6), (7), and (8), a licensee of a general intangible or a buyer, other than a secured party, of collateral other than electronic money ~~tangible chattel paper~~, tangible documents, goods, instruments, tangible documents, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(8) A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(a) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(b) If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under s. 679.1052, obtains control of each authoritative electronic copy.

(9) A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under s. 677.106, obtains control of each authoritative electronic copy.

(10) A buyer of a controllable electronic record takes free

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of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

(11) A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

Section 91. Subsections (4) and (6) of section 679.323, Florida Statutes, are amended, and subsection (1) of that section is republished, to read:

679.323 Future advances.—

(1) Except as otherwise provided in subsection (3), for purposes of determining the priority of a perfected security interest under s. 679.322(1)(a), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(a) Is made while the security interest is perfected only:

1. Under s. 679.3091 when it attaches; or

2. Temporarily under s. 679.3121(5), (6), or (7); and

(b) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under s. 679.3091 or s. 679.3121(5), (6), or (7).

(4) Except as otherwise provided in subsection (5), a buyer of goods ~~other than a buyer in ordinary course of business~~ takes free of a security interest to the extent that it secures advances made after the earlier of:

(a) The time the secured party acquires knowledge of the

buyer's purchase; or

(b) Forty-five days after the purchase.

(6) Except as otherwise provided in subsection (7), a lessee of goods~~, other than a lessee in ordinary course of business,~~ takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

(a) The time the secured party acquires knowledge of the lease; or

(b) Forty-five days after the lease contract becomes enforceable.

Section 92. Subsections (2) and (4) of section 679.324, Florida Statutes, are amended to read:

679.324 Priority of purchase-money security interests.—

(2) Subject to subsection (3) and except as otherwise provided in subsection (7), a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in s. 679.330, and, except as otherwise provided in s. 679.327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(a) The purchase-money security interest is perfected when the debtor receives possession of the inventory;

(b) The purchase-money secured party sends a signed ~~an authenticated~~ notification to the holder of the conflicting

security interest;

(c) The holder of the conflicting security interest receives the notification within 5 years before the debtor receives possession of the inventory; and

(d) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(4) Subject to subsection (5) and except as otherwise provided in subsection (7), a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in s. 679.327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(a) The purchase-money security interest is perfected when the debtor receives possession of the livestock;

(b) The purchase-money secured party sends a signed ~~an authenticated~~ notification to the holder of the conflicting security interest;

(c) The holder of the conflicting security interest receives the notification within 6 months before the debtor receives possession of the livestock; and

(d) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

Section 93. Section 679.3251, Florida Statutes, is created to read:

679.3251 Priority of security interest in controllable account, controllable electronic record, and controllable

payment intangible.—A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

Section 94. Subsections (1), (2), and (6) of section 679.330, Florida Statutes, are amended, and subsection (4) of that section is republished, to read:

679.330 Priority of purchaser of chattel paper or instrument.—

(1) A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(a) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value, ~~and~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper, and ~~or~~ obtains control under s. 679.1051 of each authoritative electronic copy of the record evidencing chattel paper ~~under s. 679.1051~~; and

(b) The authoritative copies of the record evidencing the chattel paper do ~~does~~ not indicate that the chattel paper ~~it~~ has been assigned to an identified assignee other than the purchaser.

(2) A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value, ~~and~~ takes possession of each authoritative copy of the record evidencing the chattel

paper, and ~~or~~ obtains control under s. 679.1051 of each authoritative electronic copy of the record evidencing the chattel paper ~~under s. 679.1051~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(4) Except as otherwise provided in s. 679.331(1), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(6) For purposes of subsections (2) and (4), if the authoritative copies of the record evidencing chattel paper or an instrument indicate ~~indicates~~ that the chattel paper or instrument ~~it~~ has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

Section 95. Section 679.331, Florida Statutes, is amended to read:

679.331 Priority of rights of purchasers of controllable accounts, controllable electronic records, controllable payment intangibles ~~instruments~~, documents, instruments, and securities under other articles; priority of interests in financial assets and security entitlements and protection against assertion of claim under chapters 669 and ~~chapter~~ 678.—

(1) This chapter does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, or a

protected purchaser of a security, or a qualifying purchase of a controllable account, controllable electronic record, or controllable payment intangible. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in chapters 669, 673, 677, and 678.

(2) This chapter does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of an adverse claim under chapter 669 or chapter 678.

(3) Filing under this chapter does not constitute notice of a claim or defense to the holders, purchasers, or persons described in subsections (1) and (2).

Section 96. Section 679.332, Florida Statutes, is amended to read:

679.332 Transfer of money; transfer of funds from deposit account; transfer of electronic money.—

(1) A transferee of tangible money takes the money free of a security interest if the transferee receives possession of the money without acting ~~unless the transferee acts~~ in collusion with the debtor in violating the rights of the secured party.

(2) A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account if the transferee receives the funds without acting ~~unless the transferee acts~~ in collusion with the debtor in violating the rights of the secured party.

(3) A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating

the rights of the secured party.

Section 97. Section 679.341, Florida Statutes, is amended to read:

679.341 Bank's rights and duties with respect to deposit account.—Except as otherwise provided in s. 679.340(3), and unless the bank otherwise agrees in a signed ~~an authenticated~~ record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

(1) The creation, attachment, or perfection of a security interest in the deposit account;

(2) The bank's knowledge of the security interest; or

(3) The bank's receipt of instructions from the secured party.

Section 98. Subsection (1) of section 679.4041, Florida Statutes, is amended to read:

679.4041 Rights acquired by assignee; claims and defenses against assignee.—

(1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (2)-(5) ~~(2) through (5)~~, the rights of an assignee are subject to:

(a) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(b) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment signed ~~authenticated~~ by the assignor or the assignee.

Section 99. Subsections (1) through (4) and (7) of section 679.4061, Florida Statutes, are amended, and subsection (13) is added to that section, to read:

679.4061 Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.—

(1) Subject to subsections (2)-(9) ~~(2) through (9)~~ and (13), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, signed ~~authenticated~~ by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(2) Subject to subsections (8) and (13) ~~subsection (8)~~, notification is ineffective under subsection (1):

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this chapter; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

1. Only a portion of the account, chattel paper, or payment

intangible has been assigned to that assignee;

2. A portion has been assigned to another assignee; or

3. The account debtor knows that the assignment to that assignee is limited.

(3) Subject to subsections (8) and (13) ~~subsection (8)~~, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (1).

(4) For the purposes of this subsection, the term "promissory note" includes a negotiable instrument that evidences chattel paper. Except as otherwise provided in subsections (5) and (12) and ss. 680.303 and 679.4071, and subject to subsection (8), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(b) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(7) Subject to subsections (8) and (13) ~~subsection (8)~~, an account debtor may not waive or vary its option under paragraph (2)(c).

(13) Subsections (1), (2), (3), and (7) do not apply to a controllable account or controllable payment intangible.

Section 100. Subsection (9) is added to section 679.4081, Florida Statutes, to read:

679.4081 Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.—

(9) For the purposes of this section, the term "promissory note" includes a negotiable instrument that evidences chattel paper.

Section 101. Subsections (1) and (2) of section 679.509, Florida Statutes, are amended to read:

679.509 Persons entitled to file a record.—

(1) A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(a) The debtor authorizes the filing in a signed ~~an authenticated~~ record or pursuant to subsection (2) or subsection (3); or

(b) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(2) By signing ~~authenticating~~ or becoming bound as a debtor by a security agreement, a debtor or new debtor authorizes the

filing of an initial financing statement, and an amendment, covering:

(a) The collateral described in the security agreement; and

(b) Property that becomes collateral under s. 679.3151(1)(b), whether or not the security agreement expressly covers proceeds.

Section 102. Subsections (2) and (3) of section 679.513, Florida Statutes, are amended to read:

679.513 Termination statement.—

(2) To comply with subsection (1), a secured party shall cause the secured party of record to file the termination statement:

(a) Within 1 month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(b) If earlier, within 20 days after the secured party receives a signed ~~an authenticated~~ demand from a debtor.

(3) In cases not governed by subsection (1), within 20 days after a secured party receives a signed ~~an authenticated~~ demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(a) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise

give value;

(b) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(c) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(d) The debtor did not authorize the filing of the initial financing statement.

Section 103. Subsection (2) of section 679.601, Florida Statutes, is amended, and subsection (4) of that section is republished, to read:

679.601 Rights after default; judicial enforcement; consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.—

(2) A secured party in possession of collateral or control of collateral under s. 679.1041, s. 679.1051, s. 679.1052, s. 679.1053, s. 679.1061, or s. 679.1071 has the rights and duties provided in s. 679.2071.

(4) Except as otherwise provided in subsection (7) and s. 679.605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

Section 104. Subsection (4) of section 679.604, Florida Statutes, is amended to read:

679.604 Procedure if security agreement covers real property or fixtures.—

(4) A secured party that removes collateral shall promptly reimburse any encumbrancer or owner of the real property, other than the debtor, for the cost of repair of any physical injury

caused by the removal. The secured party need not reimburse the encumbrancer or owner for any diminution in value of the real property caused by the absence of the goods removed or by any necessity of replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate assurance for the performance of the obligation to reimburse. This subsection does not prohibit a secured party and the person entitled to reimbursement from entering into a signed ~~an authenticated~~ record providing for the removal of fixtures and reimbursement for any damage caused thereby.

Section 105. Section 679.605, Florida Statutes, is amended to read:

679.605 Unknown debtor or secondary obligor.—

(1) Except as provided in subsection (2), a secured party does not owe a duty based on its status as secured party:

(a) ~~(1)~~ To a person who is a debtor or obligor, unless the secured party knows:

1. ~~(a)~~ That the person is a debtor or obligor;

2. ~~(b)~~ The identity of the person; and

3. ~~(c)~~ How to communicate with the person; or

(b) ~~(2)~~ To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

1. ~~(a)~~ That the person is a debtor; and

2. ~~(b)~~ The identity of the person.

(2) A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment

intangible or at the time the security interest attaches to the collateral, whichever is later:

(a) The person is a debtor or obligor; and

(b) The secured party knows that the information relating to the person in subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph (1)(a)3. is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

Section 106. Paragraph (a) of subsection (1) and subsection (3) of section 679.608, Florida Statutes, are amended to read:

679.608 Application of proceeds of collection or enforcement; liability for deficiency and right to surplus.—

(1) If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(a) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under s. 679.607 in the following order to:

1. The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

2. The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

3. The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party

receives a signed ~~an authenticated~~ demand for proceeds before distribution of the proceeds is completed.

(3) If the secured party in good faith cannot determine the validity, extent, or priority of a subordinate security interest or other lien or there are conflicting claims of subordinate interests or liens, the secured party may commence an interpleader action with respect to remaining proceeds in excess of $2,500 in the circuit or county court, as applicable based upon the amount to be deposited, where the collateral was located or collected or in the county where the debtor has its chief executive office or principal residence in this state, as applicable. If authorized in a signed ~~an authenticated~~ record, the interpleading secured party is entitled to be paid from the remaining proceeds the actual costs of the filing fee and an attorney ~~attorney's~~ fee in the amount of $250 incurred in connection with filing the interpleader action and obtaining an order approving the interpleader of funds. The debtor in a consumer transaction may not be assessed for the reasonable attorney ~~attorney's~~ fees and costs incurred in the interpleader action by the holders of subordinate security interests or other liens based upon disputes among said holders, and a debtor in a transaction other than a consumer transaction may only recover such fees and costs to the extent provided for in a signed ~~an authenticated~~ record. If authorized in a signed ~~an authenticated~~ record, the court in the interpleader action may award reasonable attorney ~~attorney's~~ fees and costs to the prevailing party in a dispute between the debtor and a holder of a security interest or lien which claims an interest in the remaining interplead proceeds, but only if the debtor challenges the

validity, priority, or extent of said security interest or lien. Except as provided in this subsection, a debtor may not be assessed reasonable attorney ~~attorney's~~ fees and costs incurred by any party in an interpleader action commenced under this section.

Section 107. Subsections (1), (2), (3), (5), and (6) of section 679.611, Florida Statutes, are amended to read:

679.611 Notification before disposition of collateral.—

(1) In this section, the term "notification date" means the earlier of the date on which:

(a) A secured party sends to the debtor and any secondary obligor a signed ~~an authenticated~~ notification of disposition; or

(b) The debtor and any secondary obligor waive the right to notification.

(2) Except as otherwise provided in subsection (4), a secured party that disposes of collateral under s. 679.610 shall send to the persons specified in subsection (3) a reasonable signed ~~authenticated~~ notification of disposition.

(3) To comply with subsection (2), the secured party shall send a signed ~~an authenticated~~ notification of disposition to:

(a) The debtor;

(b) Any secondary obligor; and

(c) If the collateral is other than consumer goods:

1. Any other person from whom the secured party has received, before the notification date, a signed ~~an authenticated~~ notification of a claim of an interest in the collateral;

2. Any other secured party or lienholder that, 10 days

before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

a. Identified the collateral;

b. Was indexed under the debtor's name as of that date; and

c. Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

3. Any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in s. 679.3111(1).

(5) A secured party complies with the requirement for notification prescribed by subparagraph (3)(c)2. if:

(a) Not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subparagraph (3)(c)2.; and

(b) Before the notification date, the secured party:

1. Did not receive a response to the request for information; or

2. Received a response to the request for information and sent a signed ~~an authenticated~~ notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

(6) For purposes of subsection (3), the secured party may send the signed ~~authenticated~~ notification as follows:

(a) If the collateral is other than consumer goods, to the

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debtor at the address in the financing statement, unless the secured party has received a signed ~~an authenticated~~ record from the debtor notifying the secured party of a different address for such notification purposes or the secured party has actual knowledge of the address of the debtor's chief executive office or principal residence, as applicable, at the time the notification is sent;

(b) If the collateral is other than consumer goods, to any secondary obligor at the address, if any, in the signed ~~authenticated~~ agreement, unless the secured party has received a signed ~~an authenticated~~ record from the secondary obligor notifying the secured party of a different address for such notification purposes or the secured party has actual knowledge of the address of the secondary obligor's chief executive office or principal residence, as applicable, at the time the notification is sent; and

(c) If the collateral is other than consumer goods:

1. To the person described in subparagraph (3)(c)1., at the address stated in the notification;

2. To the person described in subparagraph (3)(c)2., at the address stated in the financing statement;

3. To the person described in subparagraph (3)(c)3., at the address stated in the official records of the recording or registration agency.

Section 108. Subsection (5) of section 679.613, Florida Statutes, is amended to read:

679.613 Contents and form of notification before disposition of collateral; general.—Except in a consumer-goods transaction, the following rules apply:

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(5)(a) The following form of notification and the form appearing in s. 679.614(3)(a) ~~s. 679.614(3)~~, when completed in accordance with the instructions in paragraph (b), each provides sufficient information:

NOTIFICATION OF DISPOSITION
OF COLLATERAL

To:...(Name of debtor, obligor, or other person to which the notification is sent)...
From:...(Name, address, and telephone number of secured party)...

Item 1. Name of any debtor that is not an addressee ~~Debtor(s)~~:...(Name of each debtor ~~Include only if debtor(s) are not an addressee~~)...

~~[For a public disposition:]~~

Item 2. We will sell ~~[or lease or license, as applicable]~~ ~~the~~ ...(describe collateral)...to the highest qualified bidder at public sale. A sale could include a lease or a license. The sale will be held ~~in public~~ as follows:
Day and Date:
Time:
Place:

~~[For a private disposition:]~~

Item 3. We will sell ~~[or lease or license, as applicable]~~ the ...(describe collateral)... at a private sale ~~privately~~ sometime after ...(~~day and~~ date).... A sale could include a lease or a license.

Item 4. You are entitled to an accounting of the unpaid

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indebtedness secured by the property that we intend to sell or, as applicable, ~~[or~~ lease or license.

Item 5. If you request an accounting, you must pay~~, as applicable] for~~ a charge of $.....

Item 6. You may request an accounting by calling us at ...(telephone number)....

(b) The following instructions apply to the form set forth in paragraph (a):

1. Do not include the item numbers in the notification, as they are used only for the purpose of clarification.

2. Include and complete Item 1 only if there is a debtor that is not an addressee of the notification and list the name or names.

3. Include and complete either Item 2, if the notification relates to a public disposition of the collateral, or Item 3, if the notification relates to a private disposition of the collateral. If Item 2 is completed, include the words "to the highest qualified bidder" only if applicable.

4. Include and complete Items 4 and 6.

5. Include and complete Item 5 only if the sender will charge the recipient for an accounting.

Section 109. Subsection (3) of section 679.614, Florida Statutes, is amended to read:

679.614 Contents and form of notification before disposition of collateral; consumer-goods transaction.—In a consumer-goods transaction, the following rules apply:

(3)(a) The following form of notification, when completed in accordance with the instructions set forth in paragraph (b), provides sufficient information:

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...(Name and address of secured party)...
...(Date)...

NOTICE OF OUR PLAN TO SELL PROPERTY

...(Name and address of any obligor who is also a debtor)...
Subject:...(Identify ~~Identification of~~ Transaction)...

We have your ...(describe collateral)..., because you broke promises in our agreement.

~~[For a public disposition:]~~

Item 1. We will sell ...(describe collateral)... at public sale. A sale could include a lease or license. The sale will be held as follows:

Date:

Time:

Place:

You may attend the sale and bring bidders ~~if you want~~.

~~[For a private disposition:]~~

Item 2. We will sell ...(describe collateral)... at private sale sometime after ...(date).... A sale could include a lease or license.

Item 3. The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you ...(will or will not, as applicable)... still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

Item 4. You can get the property back at any time before we

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sell it by paying us the full amount you owe, ~~(~~not just the past due payments~~)~~, including our expenses. To learn the exact amount you must pay, call us at ...(telephone number)....

Item 5. If you want us to explain to you ...(in writing or in description of electronic record)... how we have figured the amount that you owe us, Item 6. ~~you may~~ call us at ...(telephone number)..., ~~or~~ write us at ...(secured party's address)..., or contact us by ...(description of electronic communication method)... Item 7. and request a written explanation, an explanation in ...(description of electronic record)....

Item 8. We will charge you $.... for the explanation if we sent you another written explanation of the amount you owe us within the last 6 months.

Item 9. If you need more information about the sale, call us at ...(telephone number)..., ~~or~~ write us at ...(secured party's address)..., or contact us by ...(description of electronic communication method)....

Item 10. We are sending this notice to the following other people who have an interest in ...(describe collateral)... or who owe money under your agreement:

...(Names of all other debtors and obligors, if any)...

(b) The following instructions apply to the form of notification in paragraph (a):

1. The instructions in this paragraph refer to the numbers before items in the form of notification in paragraph (a). Do not include the numbers in the notification. The numbers are used only for the purpose of these instructions.

2. Include and complete either Item 1, if the notification relates to a public disposition of the collateral, or Item 2, if

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the notification relates to a private disposition of the collateral.

3. Include and complete Items 3, 4, 5, 6, and 7.

4. In Item 5, include and complete any one of the three alternative methods for the explanation identified in paragraph (a).

5. In Item 6, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication identified in paragraph (a) for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

6. In Item 7, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in Item 5.

7. Include and complete Item 8 only if a written explanation is included in Item 5 as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

8. In Item 9, include either the telephone number or the address, or both. In addition, the sender may include and complete the additional method of communication identified in paragraph (a) for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

9. If Item 10 does not apply, insert "None" after "agreement:."

Section 110. Subsection (1) of section 679.615, Florida Statutes, is amended to read:

679.615 Application of proceeds of disposition; liability for deficiency and right to surplus.—

(1) A secured party shall apply or pay over for application the cash proceeds of disposition under s. 679.610 in the following order to:

(a) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(b) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(c) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

1. The secured party receives from the holder of the subordinate security interest or other lien a signed ~~an authenticated~~ demand for proceeds before distribution of the proceeds is completed; and

2. In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(d) A secured party that is a consignor of the collateral if the secured party receives from the consignor a signed ~~an authenticated~~ demand for proceeds before distribution of the proceeds is completed.

Section 111. Subsections (1), (2), and (3) of section 679.616, Florida Statutes, are amended to read:

679.616 Explanation of calculation of surplus or deficiency.—

(1) In this section, the term:

(a) "Explanation" means a record ~~writing~~ that:

1. States the amount of the surplus or deficiency;

2. Provides an explanation in accordance with subsection (3) of how the secured party calculated the surplus or deficiency;

3. States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

4. Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(b) "Request" means a record:

1. Signed ~~Authenticated~~ by a debtor or consumer obligor;

2. Requesting that the recipient provide an explanation; and

3. Sent after disposition of the collateral under s. 679.610.

(2) In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under s. 679.615, the secured party shall:

(a) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

1. Before or when the secured party accounts to the debtor and pays any surplus or first makes ~~written~~ demand in a record on the consumer obligor after the disposition for payment of the

deficiency; and

2. Within 14 days after receipt of a request; or

(b) In the case of a consumer obligor who is liable for a deficiency, within 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(3) To comply with subparagraph (1)(a)2., an explanation ~~a writing~~ must provide the following information in the following order:

(a) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

1. If the secured party takes or receives possession of the collateral after default, not more than 35 days before the secured party takes or receives possession; or

2. If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than 35 days before the disposition;

(b) The amount of proceeds of the disposition;

(c) The aggregate amount of the obligations after deducting the amount of proceeds;

(d) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorney's fees secured by the collateral which are known to the secured party and relate to the current disposition;

(e) The amount, in the aggregate or by type, and types of

credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in paragraph (a); and

(f) The amount of the surplus or deficiency.

Section 112. Subsection (1) of section 679.619, Florida Statutes, is amended to read:

679.619 Transfer of record or legal title.—

(1) In this section, the term "transfer statement" means a record signed ~~authenticated~~ by a secured party stating:

(a) That the debtor has defaulted in connection with an obligation secured by specified collateral;

(b) That the secured party has exercised its post-default remedies with respect to the collateral;

(c) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(d) The name and mailing address of the secured party, debtor, and transferee.

Section 113. Subsections (1), (2), (3), and (6) of section 679.620, Florida Statutes, are amended to read:

679.620 Acceptance of collateral in full or partial satisfaction of obligation; compulsory disposition of collateral.—

(1) Except as otherwise provided in subsection (7), a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(a) The debtor consents to the acceptance under subsection (3);

(b) The secured party does not receive, within the time set forth in subsection (4), a notification of objection to the

proposal signed ~~authenticated~~ by:

1. A person to whom the secured party was required to send a proposal under s. 679.621; or

2. Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;

(c) If the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance; and

(d) Subsection (5) does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to s. 679.624.

(2) A purported or apparent acceptance of collateral under this section is ineffective unless:

(a) The secured party consents to the acceptance in a signed ~~an authenticated~~ record or sends a proposal to the debtor; and

(b) The conditions of subsection (1) are met.

(3) For purposes of this section:

(a) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record signed ~~authenticated~~ after default; and

(b) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record signed ~~authenticated~~ after default or the secured party:

1. Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not

in the possession of the secured party be preserved or maintained;

2. In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures, and, in a consumer transaction, provides notice that the proposal will be deemed accepted if it is not objected to by an authenticated notice within 30 days after the date the proposal is sent by the secured party; and

3. Does not receive a notification of objection signed ~~authenticated~~ by the debtor within 30 days after the proposal is sent.

(6) To comply with subsection (5), the secured party shall dispose of the collateral:

(a) Within 90 days after taking possession; or

(b) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and signed ~~authenticated~~ after default.

Section 114. Subsection (1) of section 679.621, Florida Statutes, is amended to read:

679.621 Notification of proposal to accept collateral.—

(1) A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(a) Any person from whom the secured party has received, before the debtor consented to the acceptance, a signed ~~an authenticated~~ notification of a claim of an interest in the collateral;

(b) Any other secured party or lienholder that, 10 days before the debtor consented to the acceptance, held a security

interest in or other lien on the collateral perfected by the filing of a financing statement that:

1. Identified the collateral;

2. Was indexed under the debtor's name as of that date; and

3. Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(c) Any other secured party that, 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in s. 679.3111(1).

Section 115. Section 679.624, Florida Statutes, is amended to read:

679.624 Waiver.—

(1) A debtor or secondary obligor may waive the right to notification of disposition of collateral under s. 679.611 only by an agreement to that effect entered into and signed ~~authenticated~~ after default.

(2) A debtor may waive the right to require disposition of collateral under s. 679.620(5) only by an agreement to that effect entered into and signed ~~authenticated~~ after default.

(3) Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under s. 679.623 only by an agreement to that effect entered into and signed ~~authenticated~~ after default.

Section 116. Subsections (1) and (5) of section 679.625, Florida Statutes, are amended, and subsections (3), (6), and (7) of that section are republished, to read:

679.625 Remedies for failure to comply with article.—

(1) If it is established that a secured party is not proceeding in accordance with this chapter, a court may order or restrain collection, enforcement, or disposition of collateral on appropriate terms and conditions. This subsection does ~~shall~~ not preclude a debtor other than a consumer and a secured party, or two or more secured parties in other than a consumer transaction, from agreeing in a signed ~~an authenticated~~ record that the debtor or secured party must first provide to the alleged offending secured party notice of a violation of this chapter and opportunity to cure before commencing any legal proceeding under this section.

(3) Except as otherwise provided in s. 679.628:

(a) A person who, at the time of the failure, was a debtor, was an obligor, or held a security interest in or other lien on the collateral may recover damages under subsection (2) for the person's loss; and

(b) If the collateral is consumer goods, a person who was a debtor or a secondary obligor at the time a secured party failed to comply with this part may recover for that failure in any event an amount not less than the credit service charge plus 10 percent of the principal amount of the obligation or the time-price differential plus 10 percent of the cash price.

(5) In lieu of damages recoverable under subsection (2), the debtor, consumer obligor, or person named as a debtor in a filed record, as applicable, may recover $500 in each case from a person who:

(a) Fails to comply with s. 679.2081;

(b) Fails to comply with s. 679.209;

(c) Files a record that the person is not entitled to file

under s. 679.509(1);

(d) Fails to cause the secured party of record to file or send a termination statement as required by s. 679.513(1) or (3) after receipt of a signed ~~an authenticated~~ record notifying the person of such noncompliance;

(e) Fails to comply with s. 679.616(2)(a) and whose failure is part of a pattern, or consistent with a practice, of noncompliance; or

(f) Fails to comply with s. 679.616(2)(b).

(6) A debtor or consumer obligor may recover damages under subsection (2) and, in addition, $500 in each case from a person who, without reasonable cause, fails to comply with a request under s. 679.210. A recipient of a request under s. 679.210 which never claimed an interest in the collateral or obligations that are the subject of a request under that section has a reasonable excuse for failure to comply with the request within the meaning of this subsection.

(7) If a secured party fails to comply with a request regarding a list of collateral or a statement of account under s. 679.210, the secured party may claim a security interest only as shown in the list or statement included in the request as against a person who is reasonably misled by the failure.

Section 117. Subsections (1) and (2) of section 679.628, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

679.628 Nonliability and limitation on liability of secured party; liability of secondary obligor.—

(1) Subject to subsection (6), unless a secured party knows that a person is a debtor or obligor, knows the identity of the

person, and knows how to communicate with the person:

(a) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this chapter; and

(b) The secured party's failure to comply with this chapter does not affect the liability of the person for a deficiency.

(2) Subject to subsection (6), a secured party is not liable because of its status as a secured party:

(a) To a person who is a debtor or obligor, unless the secured party knows:

1. That the person is a debtor or obligor;

2. The identity of the person; and

3. How to communicate with the person; or

(b) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

1. That the person is a debtor; and

2. The identity of the person.

(6) Subsections (1) and (2) do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(a) The person is a debtor or obligor; and

(b) The secured party knows that the information in subparagraph (2)(a)1., subparagraph (2)(a)2., or subparagraph (2)(a)3., relating to the person is not provided by the collateral, a record attached to or logically associated with

the collateral, or the system in which the collateral is recorded.

Section 118. Part IX of chapter 679, Florida Statutes, consisting of ss. 679.901 and 679.902, Florida Statutes, is created and entitled "Transitional Provisions."

Section 119. Section 679.901, Florida Statutes, is created to read:

679.901 Saving clause.—Except as otherwise provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken effect.

Section 120. Section 679.902, Florida Statutes, is created to read:

679.902 Transitional provisions.—Effective July 1, 2025, chapter 679 shall be amended by this act, including the transitional provisions for chapters 669 and 679, as amended by this act, as provided in part II of chapter 669.

Section 121. Section 680.1021, Florida Statutes, is amended to read:

680.1021 Scope.—

(1) This chapter applies to any transaction, regardless of form, that creates a lease and, in the case of a hybrid lease, applies to the extent provided in subsection (2).

(2) In a hybrid lease, both of the following apply:

(a) If the lease-of-goods aspects do not predominate:

1. Only the provisions of this chapter which relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

2. Section 608.209 applies if the lease is a finance lease; and

3. Section 608.407 applies to the promises of the lessee in a finance lease to the extent that the promises are consideration for the right to possession and use of the leased goods.

(b) If the lease-of-goods aspects predominate, this chapter applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease which do not relate to the lease of goods.

Section 122. Present paragraphs (i) through (z) of subsection (1) of section 680.1031, Florida Statutes, are redesignated as paragraphs (j) through (aa), respectively, a new paragraph (i) is added to that subsection, and paragraphs (a), (d), (e), (f), (h), (j), (l), and (m) of subsection (3) of that section are amended, to read:

680.1031 Definitions and index of definitions.—

(1) In this chapter, unless the context otherwise requires:

(i) "Hybrid lease" means a single transaction involving a lease of goods and:

1. The provision of services;

2. A sale of other goods; or

3. A sale, lease, or license of property other than goods.

(3) The following definitions in other chapters of this code apply to this chapter:

(a) "Account," s. 679.1021(1) ~~s. 679.1021(1)(b)~~.

(d) "Chattel paper," s. 679.1021(1) ~~s. 679.1021(1)(k)~~.

(e) "Consumer goods," s. 679.1021(1) ~~s. 679.1021(1)(w)~~.

(f) "Document," s. 679.1021(1) ~~s. 679.1021(1)(dd)~~.

(h) "General intangible," s. 679.1021(1) ~~s. 679.1021(1)(pp)~~.

(j) "Instrument," s. 679.1021(1) ~~s. 679.1021(1)(uu)~~.

(l) "Mortgage," s. 679.1021(1) ~~s. 679.1021(1)(ccc)~~.

(m) "Pursuant to a commitment," s. 679.1021(1) ~~s. 679.1021(1)(ppp)~~.

Section 123. Section 680.1071, Florida Statutes, is amended to read:

680.1071 Waiver or renunciation of claim or right after default.—Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~written~~ waiver or renunciation in a signed record ~~and~~ delivered by the aggrieved party.

Section 124. Subsections (1), (3), and (5) of section 680.201, Florida Statutes, are amended to read:

680.201 Statute of frauds.—

(1) A lease contract is not enforceable by way of action or defense unless:

(a) In a lease contract that is not a consumer lease, the total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than $1,000; or

(b) There is a record ~~writing~~, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the

lease term.

(3) A record ~~writing~~ is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under paragraph (1)(b) beyond the lease term and the quantity of goods shown in the record ~~writing~~.

(5) The lease term under a lease contract referred to in subsection (4) is:

(a) If there is a record ~~writing~~ signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

Section 125. Section 680.202, Florida Statutes, is amended to read:

680.202 Final ~~written~~ expression: parol or extrinsic evidence.—Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a record ~~writing~~ intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) By course of dealing or usage of trade or by course of performance; and

(2) By evidence of consistent additional terms unless the court finds the record ~~writing~~ to have been intended also as a complete and exclusive statement of the terms of the agreement.

Section 126. Section 680.203, Florida Statutes, is amended to read:

680.203 Seals inoperative.—The affixing of a seal to a record ~~writing~~ evidencing a lease contract or an offer to enter into a lease contract does not render the record ~~writing~~ a sealed instrument, and the law with respect to sealed instruments does not apply to the lease contract or offer.

Section 127. Section 680.205, Florida Statutes, is amended to read:

680.205 Firm offers.—An offer by a merchant to lease goods to or from another person in a signed record ~~writing~~ that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed 3 months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

Section 128. Subsection (2) of section 680.208, Florida Statutes, is amended to read:

680.208 Modification, rescission, and waiver.—

(2) A signed lease agreement that excludes modification or rescission except by a signed record ~~writing~~ may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

Section 129. Part VI of chapter 680, Florida Statutes, consisting of s. 680.601, Florida Statutes, is created and entitled "Transitional Provisions."

Section 130. Section 680.601, Florida Statutes, is created

to read:

680.601 Saving clause.—Except as provided in ss. 669.501-669.706, a transaction validly entered into before July 1, 2025, and the rights, duties, and interests flowing from such transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, by the Uniform Commercial Code as though this act had not taken effect.

Section 131. Subsection (6) of section 55.205, Florida Statutes, is amended to read:

55.205 Effect of judgment lien.—

(6) A judgment lien acquired under s. 55.202 may be enforced only through judicial process, including attachment under chapter 76; execution under chapter 56; garnishment under chapter 77; a charging order under s. 605.0503, s. 620.1703, or s. 620.8504; or proceedings supplementary to execution under s. 56.29. A holder of a judgment lien acquired under s. 55.202, who is not enforcing separate lien rights in a judgment debtor's property, may not enforce his or her rights under this section through self-help repossession or replevin without a court order or without the express consent of the judgment debtor contained in a record authenticated in accordance with s. 668.50 or s. 679.1021(1) ~~s. 679.1021(1)(g)~~ after the judgment lien attaches.

Section 132. Subsection (2) and paragraph (b) of subsection (3) of section 319.27, Florida Statutes, are amended to read:

319.27 Notice of lien on motor vehicles or mobile homes; notation on certificate; recording of lien.—

(2) No lien for purchase money or as security for a debt in

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the form of a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument or any other nonpossessory lien, including a lien for child support, upon a motor vehicle or mobile home upon which a Florida certificate of title has been issued shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice, unless a sworn notice of such lien has been filed in the department and such lien has been noted upon the certificate of title of the motor vehicle or mobile home. Such notice shall be effective as constructive notice when filed. The interest of a statutory nonpossessory lienor; the interest of a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.1021(1) ~~s. 679.1021(1)(zz)~~, if nonpossessory, is ~~shall~~ not ~~be~~ enforceable against creditors or subsequent purchasers for a valuable consideration unless such interest becomes a possessory lien or is noted upon the certificate of title for the subject motor vehicle or mobile home prior to the occurrence of the subsequent transaction. Provided the provisions of this subsection relating to a nonpossessory statutory lienor; a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.1021(1) does ~~s. 679.1021(1)(zz) shall~~ not apply to liens validly perfected before ~~prior to~~ October 1, 1988. The notice of lien must ~~shall~~ provide the following information:

(a) The date of the lien if a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument was executed prior to the filing of the

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notice of lien;

(b) The name and address of the registered owner;

(c) A description of the motor vehicle or mobile home, showing the make, type, and vehicle identification number; and

(d) The name and address of the lienholder.

(3)

(b) As applied to a determination of the respective rights of a secured party under this chapter and a lien creditor as defined by s. 679.1021(1) ~~s. 679.1021(1)(zz)~~, or a nonpossessory statutory lienor, a security interest under this chapter shall be perfected upon the filing of the notice of lien with the department, the county tax collector, or their agents. Provided, however, the date of perfection of a security interest of such secured party shall be the same date as the execution of the security agreement or other similar instrument if the notice of lien is filed in accordance with this subsection within 15 days after the debtor receives possession of the motor vehicle or mobile home and executes such security agreement or other similar instrument. The date of filing of the notice of lien shall be the date of its receipt by the department central office in Tallahassee, if first filed there, or otherwise by the office of the county tax collector, or their agents.

Section 133. Subsection (2) of section 328.0015, Florida Statutes, is amended to read:

328.0015 Definitions.—

(2) The following definitions and terms also apply to this part:

(a) "Agreement" as defined in s. 671.201 ~~s. 671.201(3)~~.

(b) "Buyer in ordinary course of business" as defined in s.

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671.201 ~~s. 671.201(9)~~.

(c) "Conspicuous" as defined in s. 671.201 ~~s. 671.201(11)~~.

(d) "Consumer goods" as defined in s. 679.1021(1) ~~s. 679.1021(1)(w)~~.

(e) "Debtor" as defined in s. 679.1021(1) ~~s. 679.1021(1)(bb)~~.

(f) "Knowledge" as defined in s. 671.209.

(g) "Lease" as defined in s. 680.1031(1) ~~s. 680.1031(1)(j)~~.

(h) "Lessor" as defined in s. 680.1031(1) ~~s. 680.1031(1)(p)~~.

(i) "Notice" as defined s. 671.209.

(j) "Representative" as defined in s. 671.201 ~~s. 671.201(37)~~.

(k) "Sale" as defined in s. 672.106(1).

(l) "Security agreement" as defined in s. 679.1021(1) ~~s. 679.1021(1)(uuu)~~.

(m) "Seller" as defined in s. 672.103(1) ~~s. 672.103(1)(d)~~.

(n) "Send" as defined in s. 671.201 ~~s. 671.201(40)~~.

(o) "Value" as defined in s. 671.211.

Section 134. Subsection (13) of section 517.061, Florida Statutes, is amended to read:

517.061 Exempt transactions.—Except as otherwise provided in subsection (11), the exemptions provided herein from the registration requirements of s. 517.07 are self-executing and do not require any filing with the office before being claimed. Any person who claims entitlement to an exemption under this section bears the burden of proving such entitlement in any proceeding brought under this chapter. The registration provisions of s. 517.07 do not apply to any of the following transactions;

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however, such transactions are subject to s. 517.301:

(13) By or for the account of a pledgeholder, a secured party as defined in s. 679.1021(1) ~~s. 679.1021(1)(ttt)~~, or a mortgagee selling or offering for sale or delivery in the ordinary course of business and not for the purposes of avoiding ~~the provisions of~~ this chapter, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

Section 135. Subsection (2) of section 559.9232, Florida Statutes, is amended to read:

559.9232 Definitions; exclusion of rental-purchase agreements from certain regulations.—

(2) A rental-purchase agreement that complies with this act may ~~shall~~ not be construed to be, nor be governed by, any of the following:

(a) A lease or agreement that constitutes a credit sale as defined in 12 C.F.R. s. 226.2(a)(16) and s. 1602(g) of the federal Truth in Lending Act, 15 U.S.C. ss. 1601 et seq.;

(b) A lease that constitutes a "consumer lease" as defined in 12 C.F.R. s. 213.2(a)(6);

(c) Any lease for agricultural, business, or commercial purposes;

(d) Any lease made to an organization;

(e) A lease or agreement that constitutes a "retail installment contract" or "retail installment transaction" as those terms are defined in s. 520.31; or

(f) A security interest as defined in s. 671.201 ~~s. 671.201(39)~~.

Section 136. Paragraph (g) of subsection (2) of section 563.022, Florida Statutes, is amended to read:

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563.022 Relations between beer distributors and manufacturers.—

(2) DEFINITIONS.—In construing this section, unless the context otherwise requires, the word, phrase, or term:

(g) "Good faith" means honesty in fact in the conduct or transaction concerned as defined and interpreted under s. 671.201 ~~s. 671.201(21)~~.

Section 137. Paragraph (d) of subsection (16) of section 668.50, Florida Statutes, is amended, and paragraph (b) of subsection (3) of that section is republished, to read:

668.50 Uniform Electronic Transaction Act.—

(3) SCOPE.—

(b) This section does not apply to a transaction to the extent the transaction is governed by:

1. A provision of law governing the creation and execution of wills, codicils, or testamentary trusts;

2. The Uniform Commercial Code other than s. 671.107 and chapters 672 and 680; or

3. The Uniform Computer Information Transactions Act.

(16) TRANSFERABLE RECORDS.—

(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in s. 671.201 ~~s. 671.201(22)~~, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under s. 673.3021, s. 677.501, or s. 679.330 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery,

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possession, and indorsement are not required to obtain or exercise any of the rights under this paragraph.

Section 138. For the purpose of incorporating the amendment made by this act to section 671.105, Florida Statutes, in references thereto, subsections (1) and (2) of section 655.55, Florida Statutes, are reenacted to read:

655.55 Law applicable to deposits in and contracts relating to extensions of credit by a deposit or lending institution located in this state.—

(1) The law of this state, excluding its law regarding comity and conflict of laws, governs all aspects, including without limitation the validity and effect, of any deposit account in a branch or office in this state of a deposit or lending institution, including a deposit account otherwise covered by s. 671.105(1), regardless of the citizenship, residence, location, or domicile of any other party to the contract or agreement governing such deposit account, and regardless of any provision of any law of the jurisdiction of the residence, location, or domicile of such other party, whether or not such deposit account bears any other relation to this state, except that this section does not apply to any such deposit account:

(a) To the extent provided to the contrary in s. 671.105(2); or

(b) To the extent that all parties to the contract or agreement governing such deposit account have agreed in writing that the law of another jurisdiction will govern it.

(2) The law of this state, excluding its law regarding comity and conflict of laws, governs all aspects, including

without limitation the validity and effect, of any contract relating to an extension of credit made by a branch or office in this state of a deposit or lending institution, including a contract otherwise covered by s. 671.105(1), if the contract expressly provides that it will be governed by the law of this state, regardless of the citizenship, residence, location, or domicile of any other party to such contract and regardless of any provision of any law of the jurisdiction of the residence, location, or domicile of such other party, whether or not such contract bears any other relation to this state, except that this section does not apply to any such contract to the extent provided to the contrary in s. 671.105(2).

Section 139. For the purpose of incorporating the amendment made by this act to section 671.105, Florida Statutes, in a reference thereto, subsection (2) of section 685.101, Florida Statutes, is reenacted to read:

685.101 Choice of law.—

(2) This section does not apply to any contract, agreement, or undertaking:

(a) Regarding any transaction which does not bear a substantial or reasonable relation to this state in which every party is either or a combination of:

1. A resident and citizen of the United States, but not of this state; or

2. Incorporated or organized under the laws of another state and does not maintain a place of business in this state;

(b) For labor or employment;

(c) Relating to any transaction for personal, family, or household purposes, unless such contract, agreement, or

undertaking concerns a trust at least one trustee of which resides or transacts business as a trustee in this state, in which case this section applies;

(d) To the extent provided to the contrary in s. 671.105(2); or

(e) To the extent such contract, agreement, or undertaking is otherwise covered or affected by s. 655.55.

Section 140. For the purpose of incorporating the amendment made by this act to section 673.1041, Florida Statutes, in a reference thereto, subsection (1) of section 90.953, Florida Statutes, is reenacted to read:

90.953 Admissibility of duplicates.—A duplicate is admissible to the same extent as an original, unless:

(1) The document or writing is a negotiable instrument as defined in s. 673.1041, a security as defined in s. 678.1021, or any other writing that evidences a right to the payment of money, is not itself a security agreement or lease, and is of a type that is transferred by delivery in the ordinary course of business with any necessary endorsement or assignment.

Section 141. For the purpose of incorporating the amendment made by this act to section 673.1041, Florida Statutes, in references thereto, subsections (1), (3), and (4) of section 673.1061, Florida Statutes, are reenacted to read:

673.1061 Unconditional promise or order.—

(1) Except as provided in this section, for the purposes of s. 673.1041(1), a promise or order is unconditional unless it states:

(a) An express condition to payment;

(b) That the promise or order is subject to or governed by

another writing; or

(c) That rights or obligations with respect to the promise or order are stated in another writing.

A reference to another writing does not of itself make the promise or order conditional.

(3) If a promise or order requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the promise or order, the condition does not make the promise or order conditional for the purposes of s. 673.1041(1). If the person whose specimen signature appears on an instrument fails to countersign the instrument, the failure to countersign is a defense to the obligation of the issuer, but the failure does not prevent a transferee of the instrument from becoming a holder of the instrument.

(4) If a promise or order at the time it is issued or first comes into possession of a holder contains a statement, required by applicable statutory or administrative law, to the effect that the rights of a holder or transferee are subject to claims or defenses that the issuer could assert against the original payee, the promise or order is not thereby made conditional for the purposes of s. 673.1041(1); but if the promise or order is an instrument, there cannot be a holder in due course of the instrument.

Section 142. For the purpose of incorporating the amendment made by this act to section 673.1041, Florida Statutes, in a reference thereto, subsection (2) of section 673.1151, Florida Statutes, is reenacted to read:

673.1151 Incomplete instrument.—

(2) Subject to subsection (3), if an incomplete instrument is an instrument under s. 673.1041, it may be enforced according to its terms if it is not completed, or according to its terms as augmented by completion. If an incomplete instrument is not an instrument under s. 673.1041, but, after completion, the requirements of s. 673.1041 are met, the instrument may be enforced according to its terms as augmented by completion.

Section 143. For the purpose of incorporating the amendment made by this act to section 673.6041, Florida Statutes, in a reference thereto, subsection (2) of section 673.6051, Florida Statutes, is reenacted to read:

673.6051 Discharge of indorsers and accommodation parties.—

(2) Discharge, under s. 673.6041, of the obligation of a party to pay an instrument does not discharge the obligation of an indorser or accommodation party having a right of recourse against the discharged party.

Section 144. For the purpose of incorporating the amendments made by this act to sections 673.1041 and 673.1051, Florida Statutes, in references thereto, subsection (2) of section 673.1031, Florida Statutes, is reenacted to read:

673.1031 Definitions.—

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Acceptance," s. 673.4091.

"Accommodated party," s. 673.4191.

"Accommodation party," s. 673.4191.

"Alteration," s. 673.4071.

"Anomalous indorsement," s. 673.2051.

"Blank indorsement," s. 673.2051.

"Cashier's check," s. 673.1041.

"Certificate of deposit," s. 673.1041.

"Certified check," s. 673.4091.

"Check," s. 673.1041.

"Consideration," s. 673.3031.

"Draft," s. 673.1041.

"Holder in due course," s. 673.3021.

"Incomplete instrument," s. 673.1151.

"Indorsement," s. 673.2041.

"Indorser," s. 673.2041.

"Instrument," s. 673.1041.

"Issue," s. 673.1051.

"Issuer," s. 673.1051.

"Negotiable instrument," s. 673.1041.

"Negotiation," s. 673.2011.

"Note," s. 673.1041.

"Payable at a definite time," s. 673.1081.

"Payable on demand," s. 673.1081.

"Payable to bearer," s. 673.1091.

"Payable to order," s. 673.1091.

"Payment," s. 673.6021.

"Person entitled to enforce," s. 673.3011.

"Presentment," s. 673.5011.

"Reacquisition," s. 673.2071.

"Special indorsement," s. 673.2051.

"Teller's check," s. 673.1041.

"Transfer of instrument," s. 673.2031.

"Traveler's check," s. 673.1041.

"Value," s. 673.3031.

Section 145. For the purpose of incorporating the amendment made by this act to section 675.104, Florida Statutes, in a reference thereto, paragraph (j) of subsection (1) of section 675.103, Florida Statutes, is reenacted to read:

675.103 Definitions.—

(1) For purposes of this chapter:

(j) "Letter of credit" means a definite undertaking that satisfies the requirements of s. 675.104 by an issuer to a beneficiary at the request or for the account of an applicant or, in the case of a financial institution, to itself or for its own account, to honor a documentary presentation by payment or delivery of an item of value.

Section 146. For the purpose of incorporating the amendment made by this act to section 675.116, Florida Statutes, in a reference thereto, subsection (2) of section 679.3061, Florida Statutes, is reenacted to read:

679.3061 Law governing perfection and priority of security interests in letter-of-credit rights.—

(2) For purposes of this part, an issuer's jurisdiction or nominated person's jurisdiction is the jurisdiction whose law governs the liability of the issuer or nominated person with respect to the letter-of-credit right as provided in s. 675.116.

Section 147. For the purpose of incorporating the amendment made by this act to section 677.106, Florida Statutes, in a reference thereto, subsection (3) of section 672.103, Florida Statutes, is reenacted to read:

672.103 Definitions and index of definitions.—

(3) The following definitions in other chapters apply to this chapter:

"Check," s. 673.1041.

"Consignee," s. 677.102.

"Consignor," s. 677.102.

"Consumer goods," s. 679.1021.

"Control," s. 677.106.

"Dishonor," s. 673.5021.

"Draft," s. 673.1041.

Section 148. For the purpose of incorporating the amendment made by this act to section 677.106, Florida Statutes, in a reference thereto, subsection (3) of section 674.104, Florida Statutes, is reenacted to read:

674.104 Definitions and index of definitions.—

(3) The following definitions in other chapters apply to this chapter:

"Acceptance," s. 673.4091.

"Alteration," s. 673.4071.

"Cashier's check," s. 673.1041.

"Certificate of deposit," s. 673.1041.

"Certified check," s. 673.4091.

"Check," s. 673.1041.

"Control," s. 677.106.

"Good faith," s. 673.1031.

"Holder in due course," s. 673.3021.

"Instrument," s. 673.1041.

"Notice of dishonor," s. 673.5031.

"Order," s. 673.1031.

"Ordinary care," s. 673.1031.

"Person entitled to enforce," s. 673.3011.

"Presentment," s. 673.5011.

"Promise," s. 673.1031.

"Prove," s. 673.1031.

"Teller's check," s. 673.1041.

"Unauthorized signature," s. 673.4031.

Section 149. For the purpose of incorporating the amendment made by this act to section 678.1061, Florida Statutes, in a reference thereto, subsection (3) of section 678.5101, Florida Statutes, is reenacted to read:

678.5101 Rights of purchaser of security entitlement from entitlement holder.—

(3) In a case not covered by the priority rules in chapter 679, a purchaser for value of a security entitlement, or an interest therein, who obtains control has priority over a purchaser of a security entitlement, or an interest therein, who does not obtain control. Except as otherwise provided in subsection (4), purchasers who have control rank according to priority in time of:

(a) The purchaser's becoming the person for whom the securities account, in which the security entitlement is carried, is maintained, if the purchaser obtained control under s. 678.1061(4)(a);

(b) The securities intermediary's agreement to comply with the purchaser's entitlement orders with respect to security entitlements carried or to be carried in the securities account in which the security entitlement is carried, if the purchaser obtained control under s. 678.1061(4)(b); or

(c) If the purchaser obtained control through another person under s. 678.1061(4)(c), the time on which priority would be based under this subsection if the other person were the

secured party.

Section 150. For the purpose of incorporating the amendment made by this act to section 678.1061, Florida Statutes, in a reference thereto, subsection (1) of section 679.1061, Florida Statutes, is reenacted to read:

679.1061 Control of investment property.—

(1) A person has control of a certificated security, uncertificated security, or security entitlement as provided in s. 678.1061.

Section 151. For the purpose of incorporating the amendment made by this act to section 679.2031, Florida Statutes, in a reference thereto, subsection (3) of section 674.2101, Florida Statutes, is reenacted to read:

674.2101 Security interest of collecting bank in items, accompanying documents, and proceeds.—

(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or possession or control of the accompanying or associated documents for purposes other than collection, the security interest continues to that extent and is subject to chapter 679, but:

(a) No security agreement is necessary to make the security interest enforceable (s. 679.2031(2)(c)1.);

(b) No filing is required to perfect the security interest; and

(c) The security interest has priority over conflicting perfected security interests in the item, accompanying

documents, or proceeds.

Section 152. For the purpose of incorporating the amendment made by this act to section 679.2031, Florida Statutes, in a reference thereto, subsection (2) of section 675.1181, Florida Statutes, is reenacted to read:

675.1181 Security interest of issuer or nominated person.—

(2) As long as and to the extent that an issuer or nominated person has not been reimbursed or has not otherwise recovered the value given with respect to a security interest in a document under subsection (1), the security interest continues and is subject to chapter 679, but a security agreement is not necessary to make the security interest enforceable under s. 679.2031(2)(c):

(a) If the document is presented in a medium other than a written or other tangible medium, the security interest is perfected; and

(b) If the document is presented in a written or other tangible medium and is not a certificated security, chattel paper, a document of title, an instrument, or a letter of credit, the security interest is perfected and has priority over a conflicting security interest in the document so long as the debtor does not have possession of the document.

Section 153. For the purpose of incorporating the amendment made by this act to section 679.2031, Florida Statutes, in a reference thereto, section 679.1101, Florida Statutes, is reenacted to read:

679.1101 Security interests arising under chapter 672 or chapter 680.—A security interest arising under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5) is subject to this

chapter. However, until the debtor obtains possession of the goods:

(1) The security interest is enforceable, even if s. 679.2031(2)(c) has not been satisfied;

(2) Filing is not required to perfect the security interest;

(3) The rights of the secured party after default by the debtor are governed by chapter 672 or chapter 680; and

(4) The security interest has priority over a conflicting security interest created by the debtor.

Section 154. For the purpose of incorporating the amendment made by this act to section 679.2031, Florida Statutes, in a reference thereto, subsection (2) of section 679.709, Florida Statutes, is reenacted to read:

679.709 Priority.—

(2) For purposes of s. 679.322(1), the priority of a security interest that becomes enforceable under s. 679.2031 of this act dates from the time this act takes effect if the security interest is perfected under this act by the filing of a financing statement before this act takes effect which would not have been effective to perfect the security interest under chapter 679, Florida Statutes 2000. This subsection does not apply to conflicting security interests each of which is perfected by the filing of such a financing statement.

Section 155. For the purpose of incorporating the amendment made by this act to section 679.210, Florida Statutes, in a reference thereto, subsection (2) of section 679.602, Florida Statutes, is reenacted to read:

679.602 Waiver and variance of rights and duties.—Except as

otherwise provided in s. 679.624, to the extent that they give rights to a debtor or obligor and impose duties on a secured party, the debtor or obligor may not waive or vary the rules stated in the following listed sections:

(2) Section 679.210, which deals with requests for an accounting and requests concerning a list of collateral and statement of account;

Section 156. For the purpose of incorporating the amendment made by this act to section 679.3141, Florida Statutes, in a reference thereto, subsection (2) of section 679.329, Florida Statutes, is reenacted to read:

679.329 Priority of security interests in letter-of-credit right.—The following rules govern priority among conflicting security interests in the same letter-of-credit right:

(2) Security interests perfected by control under s. 679.3141 rank according to priority in time of obtaining control.

Section 157. For the purpose of incorporating the amendment made by this act to section 679.3161, Florida Statutes, in a reference thereto, subsection (3) of section 679.320, Florida Statutes, is reenacted to read:

679.320 Buyer of goods.—

(3) To the extent that it affects the priority of a security interest over a buyer of goods under subsection (2), the period of effectiveness of a filing made in the jurisdiction in which the seller is located is governed by s. 679.3161(1) and (2).

Section 158. For the purpose of incorporating the amendment made by this act to section 679.3171, Florida Statutes, in a

reference thereto, paragraph (b) of subsection (8) of section 727.109, Florida Statutes, is reenacted to read:

727.109 Power of the court.—The court shall have power to:

(8) Hear and determine any of the following actions brought by the assignee, which she or he is empowered to maintain:

(b) Determine the validity, priority, and extent of a lien or other interests in assets of the estate, or to subordinate or avoid an unperfected security interest pursuant to the assignee's rights as a lien creditor under s. 679.3171.

Section 159. For the purpose of incorporating the amendments made by this act to sections 679.3171 and 679.323, Florida Statutes, in references thereto, subsection (3) of section 680.307, Florida Statutes, is reenacted to read:

680.307 Priority of liens arising by attachment or levy on, security interests in, and other claims to goods.—

(3) Except as otherwise provided in ss. 679.3171, 679.321, and 679.323, a lessee takes a leasehold interest subject to a security interest held by a creditor or lessor.

Section 160. For the purpose of incorporating the amendments made by this act to sections 678.1061, 679.3131, 679.3141, and 679.323, Florida Statutes, in references thereto, subsections (2), (5), and (7) of section 679.328, Florida Statutes, are reenacted to read:

679.328 Priority of security interests in investment property.—The following rules govern priority among conflicting security interests in the same investment property:

(2) Except as otherwise provided in subsections (3) and (4), conflicting security interests held by secured parties each of which has control under s. 679.1061 rank according to

priority in time of:

(a) If the collateral is a security, obtaining control;

(b) If the collateral is a security entitlement carried in a securities account and:

1. If the secured party obtained control under s. 678.1061(4)(a), the secured party's becoming the person for which the securities account is maintained;

2. If the secured party obtained control under s. 678.1061(4)(b), the securities intermediary's agreement to comply with the secured party's entitlement orders with respect to security entitlements carried or to be carried in the securities account; or

3. If the secured party obtained control through another person under s. 678.1061(4)(c), the time on which priority would be based under this paragraph if the other person were the secured party; or

(c) If the collateral is a commodity contract carried with a commodity intermediary, the satisfaction of the requirement for control specified in s. 679.1061(2)(b) with respect to commodity contracts carried or to be carried with the commodity intermediary.

(5) A security interest in a certificated security in registered form which is perfected by taking delivery under s. 679.3131(1) and not by control under s. 679.3141 has priority over a conflicting security interest perfected by a method other than control.

(7) In all other cases, priority among conflicting security interests in investment property is governed by ss. 679.322 and 679.323.

Section 161. For the purpose of incorporating the amendments made by this act to sections 679.1041 and 679.3141, Florida Statutes, in references thereto, subsections (1) and (2) of section 679.327, Florida Statutes, are reenacted to read:

679.327 Priority of security interests in deposit account.—The following rules govern priority among conflicting security interests in the same deposit account:

(1) A security interest held by a secured party having control of the deposit account under s. 679.1041 has priority over a conflicting security interest held by a secured party that does not have control.

(2) Except as otherwise provided in subsections (3) and (4), security interests perfected by control under s. 679.3141 rank according to priority in time of obtaining control.

Section 162. For the purpose of incorporating the amendments made by this act to sections 679.2031 and 679.4041, Florida Statutes, in a reference thereto, subsection (4) of section 679.1091, Florida Statutes, is reenacted to read:

679.1091 Scope.—

(4) This chapter does not apply to:

(a) A landlord's lien, other than an agricultural lien;

(b) A lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but s. 679.333 applies with respect to priority of the lien;

(c) An assignment of a claim for wages, salary, or other compensation of an employee;

(d) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;

(e) An assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;

(f) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;

(g) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;

(h) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but ss. 679.3151 and 679.322 apply with respect to proceeds and priorities in proceeds;

(i) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;

(j) A right of recoupment or set-off, but:

1. Section 679.340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

2. Section 679.4041 applies with respect to defenses or claims of an account debtor;

(k) The creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:

1. Liens on real property in ss. 679.2031 and 679.3081;

2. Fixtures in s. 679.334;

3. Fixture filings in ss. 679.5011, 679.5021, 679.512, 679.516, and 679.519; and

4. Security agreements covering personal and real property in s. 679.604;

(l) An assignment of a claim arising in tort, other than a commercial tort claim, but ss. 679.3151 and 679.322 apply with respect to proceeds and priorities in proceeds;

(m) An assignment of a deposit account, other than a nonnegotiable certificate of deposit, in a consumer transaction, but ss. 679.3151 and 679.322 apply with respect to proceeds and priorities in proceeds;

(n) Any transfer by a government or governmental unit; or

(o) A transfer or pledge of, or creation of a security interest in, any interest or right or portion of any interest or right in any storm-recovery property as defined in s. 366.8260.

Section 163. For the purpose of incorporating the amendment made by this act to section 679.628, Florida Statutes, in a reference thereto, subsection (3) of section 679.626, Florida Statutes, is reenacted to read:

679.626 Action in which deficiency or surplus is in issue.—In an action arising from a transaction in which the amount of a deficiency or surplus is in issue, the following rules apply:

(3) Except as otherwise provided in s. 679.628, if a secured party fails to prove that the collection, enforcement, disposition, or acceptance was conducted in accordance with the provisions of this part relating to collection, enforcement, disposition, or acceptance, the liability of a debtor or a secondary obligor for a deficiency is limited to an amount by which the sum of the secured obligation, reasonable expenses,

and, to the extent provided for by agreement and not prohibited by law, attorney's fees exceeds the greater of:

(a) The proceeds of the collection, enforcement, disposition, or acceptance; or

(b) The amount of proceeds that would have been realized had the noncomplying secured party proceeded in accordance with the provisions of this part relating to collection, enforcement, disposition, or acceptance.

Section 164. This act shall take effect July 1, 2025.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1666**, relating to Uniform Commercial Code, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

4/8/25
Meeting Date

Rules
Committee

SB 1666
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aimee Diaz Lyon

Phone 850-205-9000

Address 119 South Monroe Street #200
Street

Email adl@mhdfirm.com

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: 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. 2020-2022JointRules.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 1690
INTRODUCER:	Senator McClain
SUBJECT:	Surrendered Infants
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Morgan	Brown	HP	**Favorable**
2.	Bond	Cibula	JU	**Favorable**
3.	Morgan	Yeatman	RC	**Favorable**

I. Summary:

SB 1690 modifies statutory provisions relating to surrendered infants. The bill authorizes a hospital, an emergency medical services (EMS) station, or a fire station that is staffed 24 hours per day to use an infant safety device to accept surrendered infants in accordance with safety procedures specified in the bill.

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

II. Present Situation:

Infant Safe Haven Laws

Every state legislature has enacted laws to address infant abandonment and endangerment in response to a reported increase in the abandonment of infants in unsafe locations, such as public restrooms or trash receptacles. Beginning with Texas in 1999, states have enacted these safe haven laws as an incentive for mothers in crisis to safely relinquish their babies at designated locations where the babies are protected and provided with care until a permanent home is found.[1]

While there is great variability in the laws across states, safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven.[2] Most states designate hospitals, EMS providers, health care facilities, and fire stations as a safe haven. In eleven states, including Florida as of July 1, 2024,[3]

[1] Child Welfare Information Gateway, *Infant Safe Haven Laws* (Sep. 2021), *available at* https://www.childwelfare.gov/resources/infant-safe-haven-laws/ (last visited Mar. 22, 2025).
[2] *Id*.
[3] Chapter 2024-213, Laws of Fla.

emergency medical personnel responding to 911 calls may accept an infant who is being lawfully surrendered.[4] Laws in 22 states allow a parent to voluntarily deliver an infant to an infant safety device that meets certain safety standards.[5]

The age in which a baby may be lawfully surrendered also varies significantly from state to state. Approximately 24 states, including Florida,[6] accept infants up to 30 days old.[7] Ages in other states range from up to 72 hours to one year.[8]

According to the nonprofit organization known as the National Safe Haven Alliance (NSHA), 4,835 safe haven relinquishments occurred during 1999-2023 nationwide,[9] and 4,996 nationally as of this writing.[10] Illegal abandonments have also occurred during that time span, with some infants found alive and others deceased. These statistics are unofficial estimates, as there is no federally mandated safe haven report requirement.

Surrender of Infants in Florida

The Florida Legislature enacted Florida's initial abandoned newborn infant law in 2000.[11] The law created s. 383.50, F.S., and authorized the abandonment of a newborn infant, up to three days old or younger, at a hospital or a fire station and addressed the presumption of relinquishment of parental rights, implied consent to treatment, anonymity, and physical custody of the infant.[12]

In 2001, s. 383.50, F.S., was amended to authorize EMS stations, in addition to hospitals and fire stations, as optional locations for the lawful relinquishment of a newborn infant.[13]

In 2008, multiple provisions of s. 383.50, F.S., were modified to refer to "surrendered newborn infant" rather than "abandoned newborn infant."[14] The three-day age limit for surrender of a newborn infant was increased to a seven-day age limit. Additionally, a provision was added to indicate that when an infant is born in a hospital and the mother expresses intent to leave the infant and not return, the hospital or registrar is directed, upon her request, to complete the infant's birth certificate without naming the mother.

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[4] *Supra* note 1. Connecticut, Idaho, Illinois, Indiana, Iowa, Louisiana, Minnesota, New Hampshire, Vermont, and Wisconsin.
[5] National Conference of State Legislatures, *Safe Haven Laws Memo* (Mar. 24, 2025) (on file with Senate Committee on Health Policy). Arkansas, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, New Hampshire, Oklahoma, South Dakota, Tennessee, Virginia, and West Viriginia.
[6] *Supra* note 3.
[7] *Supra* note 1. Arizona, Arkansas, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, and West Virginia.
[8] *Supra* note 1.
[9] National Safe Haven Alliance, *2023 Annual/Impact Report, available at* https://www.nationalsafehavenalliance.org/_files/ugd/1c34fd_d0b326dc49884c0ca87f8e023d354cea.pdf (last visited Mar. 22, 2025).
[10] National Safe Haven Alliance, *Our Cause, available at* https://www.nationalsafehavenalliance.org/our-cause (last visited Mar. 22, 2025).
[11] Chapter 2000-188, Laws of Fla.
[12] Section 383.50, F.S.
[13] Chapter 2001-53, s. 15, Laws of Fla.
[14] Chapter 2008-90, s. 4, Laws of Fla.

In 2024, multiple statutory provisions were modified to enact the following:[15]

- Changed the term "newborn infant" to "infant."
- Increased the age in which an infant may be lawfully surrendered from approximately seven days old to approximately 30 days old.
- Provided an additional method of lawful surrender, allowing the parent of an infant to dial 911 to request that an EMS provider meet the parent at a specified location for the surrender of the infant directly to the EMS provider.
- Clarified the manner in which a parent may relinquish an infant at a hospital following delivery.
- Extended immunity from criminal investigation solely because an infant is left with eligible EMS station personnel or at an EMS station or a fire station.
- Extended immunity from criminal or civil liability to medical staff of a hospital for acting in good faith when accepting a surrendered infant at a hospital in accordance with statutory provisions.

Under current law, a firefighter, emergency medical technician, or paramedic at a fire station or EMS station who accepts a surrendered infant must arrange for the immediate transportation of the newborn infant to the nearest hospital having emergency services.[16] Upon admitting a surrendered infant, each hospital in this state having emergency services must provide all necessary emergency services and care for the surrendered infant and immediately contact a local licensed child-placing agency (CPA) or the Department of Children and Families' (DCF) statewide abuse hotline for the name of a CPA and transfer custody of the surrendered infant.[17]

A Safe Haven for Newborns[18] reports that over the past 25 years, approximately 476 newborns have been surrendered or abandoned in Florida.[19] Since 2000, 411 newborns have been surrendered in a safe haven hospital, EMS station, or a fire station, and approximately 65 newborns have been abandoned in unsafe places. In 2025, as of this writing, three newborns have been recorded as surrendered to a safe haven.[20]

Safe Haven Baby Boxes

A baby box is a safety device provided under a state's Safe Haven Law to legally and safely facilitate a mother in crisis to safely, securely, and anonymously surrender an infant if she is unable to care for her infant. A baby box is installed in an exterior wall of a designated fire station or hospital. It has an exterior door that automatically locks upon placement of an infant inside, an alarm system to alert facility staff that a baby is inside, and an interior door which allows a staff member to secure the surrendered infant from inside the designated building.[21]

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[15] *Supra* note 3.
[16] Sections 383.50(3) and 395.1041, F.S.
[17] Section 383.50(7), F.S.
[18] A Safe Haven for Newborns is a program of The Florida M. Silverio Foundation, a 501(c)(3) organization located in Miami, Florida.
[19] A Safe Haven for Newborns, *A Safe Haven for Newborns Statistics*, *available at* https://asafehavenfornewborns.com/what-we-do/safe-haven-statistics/ (last visited Mar. 22, 2025).
[20] *Id*.
[21] Safe Haven Baby Boxes, *available at* https://www.shbb.org/ (last visited Mar. 23, 2025).

Safe Haven Baby Boxes, Inc., is a nonprofit incorporated in Indiana,[22] which has patented a device for receiving a surrendered baby,[23] trademarked as a "Safe Haven Baby Box."[24] The federal Food and Drug Administration has determined that a Safe Haven Baby Box is not a medical "device" pursuant to s. 201 of the federal Food, Drug, and Cosmetic Act, and therefore is not required to comply with the requirements of the act.[25]

Over 150 babies have been surrendered nationwide inside Safe Haven Baby Boxes since the first was installed in 2016.[26] There are 317 active baby boxes, five of which are in Florida.[27] Arizona also has baby drawers, which can be found at six different medical centers in the state.[28] Florida's Safe Haven baby boxes are located at the Martin Luther King, Jr. (MLK), First Responder Campus; the Marion County Fire and Rescue in Ocala; the Citrus County Fire Rescue in Crystal River; the Hernando County Fire Department in Spring Hill; and the Newberry Fire Station #28 in Newberry.[29] In January 2023, an infant was surrendered at the baby box at the MLK First Responder Campus in Ocala.[30]

III. Effect of Proposed Changes:

Section 1 amends s. 383.50, F.S., to revise the definition of "infant," and to add a definition of "infant safety device" to mean a device that is installed in a supporting wall of a hospital, an emergency medical services station, or a fire station and that has an exterior point of access allowing an individual to place an infant inside and an interior point of access allowing individuals inside the building to retrieve the infant safely.

The bill authorizes a hospital, an EMS station, or a fire station that is staffed 24 hours per day to use an infant safety device to accept surrendered infants if the device is:

- Physically part of the hospital, EMS station, or fire station and installed in a supporting wall;
- Temperature-controlled and ventilated for the safety of infants;
- Equipped with a dual alarm system connected to the physical location of the device which automatically triggers an alarm inside the building when an infant is placed in the device;

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[22] *See* Indiana Secretary of State Corporation and Business Entity Search; *search by entity name available at:* https://bsd.sos.in.gov/publicbusinesssearch (last visited Mar. 23, 2025).
[23] *See* United States Patent (dated Apr. 28, 2020), *available at* https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/Patent%20.pdf?ver=1610398180477 (last visited Mar. 23, 2025).
[24] *See* Trademark Certificate (registered Oct. 15, 2019), *available at* https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/Tradmark%20Certificate.pdf?ver=1610398180478 (last visited Mar. 23, 2025).
[25] *See* Letter from U.S. Food and Drug Administration to Safe Haven Baby Boxes, Inc. (dated Feb. 15, 2019), *available at* https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd 0e668b1de6d1/downloads/C180100.Letter.pdf?ver=1610398180478 (last visited Mar. 23, 2025).
[26] Safe Haven Baby Boxes, *Mission, available at* https://www.shbb.org/history (last visited Mar. 23, 2025).
[27] Safe Haven Baby Boxes, *SHBB Locations, available at* https://project-safe-haven-babybox.vercel.app/ (last visited Mar. 23, 2025).
[28] Arizona Safe Baby Haven Foundation, *AZ Safe Haven Law, available at* https://azsafebabyhaven.org/information/ (last visited Mar. 23, 2025). Banner Thunderbird Medical Center, Banner Cardon Children's Medical Center, Banner Estrella Medical Center, HonorHealth Scottsdale Osborn Medical Center, Maricopa Medical Center, and Mayo Clinic Phoenix.
[29] *Supra* note 27.
[30] *See* Newborn surrendered at Florida fire station is first baby saved by state's only "Baby Box" by Charine Akbara, (published Jan. 10, 2023, Fox 13 News), *available at* https://www.fox13news.com/news/newborn-surrendered-at-florida-fire-station-is-first-baby-saved-by-states-only-baby-box (last visited Mar. 23, 2025).

- Equipped with a surveillance system that allows employees of the hospital, EMS station, or fire station to monitor the inside of the device 24 hours per day; and
- Located such that the interior point of access is in an area that is conspicuous and visible to the employees of the hospital, EMS station, or fire station.

Under the bill, a hospital, EMS station, or fire station that uses an infant safety device to accept surrendered infants must use the device's surveillance system to monitor the inside of the infant safety device 24 hours per day and must physically check the device at least twice daily and test the device at least weekly to ensure the alarm system is in working order. A fire station that is staffed 24 hours per day except when all firefighter first responders are dispatched from the fire station for an emergency must use the dual alarm system of the infant safety device to dispatch immediately the nearest first responder to retrieve any infant left in the infant safety device.

Existing provisions related to the presumption that the parent intended to leave the infant, consented to appropriate medical treatment and care, and to termination of parental rights; the care and custodial processing of an infant upon lawful surrender; and the parent's anonymity upon surrender, are extended by the bill to occasions when infants are surrendered in an infant safety device.

The bill further provides conforming changes to utilize the term "surrendered" instead of "left."

Section 2 amends s. 63.0423, F.S., to make a conforming and technical change.

Section 3 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 383.50 and 63.0423.

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.

By Senator McClain

9-01530-25 20251690__

A bill to be entitled

An act relating to surrendered infants; amending s. 383.50, F.S.; revising the definition of the term "infant"; defining the term "infant safety device"; authorizing certain hospitals, emergency medical services stations, and fire stations to use infant safety devices to accept surrendered infants if the device meets specified criteria; requiring such hospitals, emergency medical services stations, and fire stations to monitor the inside of the device 24 hours per day and physically check and test the devices at specified intervals; providing additional requirements for certain fire stations using such devices; conforming provisions to changes made by the act; amending s. 63.0423, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 383.50, Florida Statutes, is amended to read:

383.50 Treatment of surrendered infant.—

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

(a) "Infant" means a child who a licensed physician reasonably believes is approximately 30 days old or younger at the time the child is surrendered under this section ~~left at a hospital, an emergency medical services station, or a fire station~~.

(b) "Infant safety device" means a device that is installed

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9-01530-25 20251690__

in a supporting wall of a hospital, an emergency medical services station, or a fire station and that has an exterior point of access allowing an individual to place an infant inside and an interior point of access allowing individuals inside the building to retrieve the infant safely.

(2) There is a presumption that the parent who leaves the infant in accordance with this section intended to leave the infant and consented to termination of parental rights.

(3)(a) A hospital, an emergency medical services station, or a fire station that is staffed 24 hours per day may use an infant safety device to accept surrendered infants under this section if the device is:

1. Physically part of the hospital, emergency medical services station, or fire station and installed in a supporting wall.

2. Temperature-controlled and ventilated for the safety of infants.

3. Equipped with a dual alarm system connected to the physical location of the device which automatically triggers an alarm inside the building when an infant is placed in the device.

4. Equipped with a surveillance system that allows employees of the hospital, emergency medical services station, or fire station to monitor the inside of the device 24 hours per day.

5. Located such that the interior point of access is in an area that is conspicuous and visible to the employees of the hospital, emergency medical services station, or fire station.

(b) A hospital, an emergency medical services station, or a

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

fire station that uses an infant safety device to accept surrendered infants shall use the device's surveillance system to monitor the inside of the infant safety device 24 hours per day and shall physically check the device at least twice daily and test the device at least weekly to ensure that the alarm system is in working order. A fire station that is staffed 24 hours per day except when all firefighter first responders are dispatched from the fire station for an emergency must use the dual alarm system of the infant safety device to dispatch immediately the nearest first responder to retrieve any infant left in the infant safety device.

(4) Each emergency medical services station or fire station that is staffed with full-time firefighters, emergency medical technicians, or paramedics shall accept any infant left with a firefighter, an emergency medical technician, or a paramedic or in an infant safety device. The firefighter, emergency medical technician, or paramedic shall consider these actions as implied consent to and shall:

(a) Provide emergency medical services to the infant to the extent that he or she is trained to provide those services; and

(b) Arrange for the immediate transportation of the infant to the nearest hospital having emergency services.

A licensee as defined in s. 401.23, a fire department, or an employee or agent of a licensee or fire department may treat and transport an infant pursuant to this section. If an infant is placed in the physical custody of an employee or agent of a licensee or fire department or is placed in an infant safety device, such placement is considered implied consent for

treatment and transport. A licensee, a fire department, or an employee or agent of a licensee or fire department is immune from criminal or civil liability for acting in good faith pursuant to this section. This subsection does not limit liability for negligence.

(5)(a) ~~(4)(a)~~ After the delivery of an infant in a hospital, a parent of the infant may leave the infant with medical staff or a licensed health care professional at the hospital if the parent notifies such medical staff or licensed health care professional that the parent is voluntarily surrendering the infant and does not intend to return.

(b) Each hospital of this state subject to s. 395.1041 shall, and any other hospital may, admit and provide all necessary emergency services and care, as defined in s. 395.002(9), to any infant left with the hospital in accordance with this section. The hospital or any of its medical staff or licensed health care professionals shall consider these actions as implied consent for treatment, and a hospital accepting physical custody of an infant has implied consent to perform all necessary emergency services and care. The hospital or any of its medical staff or licensed health care professionals are immune from criminal or civil liability for acting in good faith in accordance with this section. This subsection does not limit liability for negligence.

(6) ~~(5)~~ Except when there is actual or suspected child abuse or neglect, any parent who surrenders ~~leaves~~ an infant in accordance with this section ~~a firefighter, an emergency medical technician, or a paramedic at a fire station or an emergency medical services station, or brings an infant to an emergency~~

~~room of a hospital and expresses an intent to leave the infant and not return,~~ has the absolute right to remain anonymous and to leave at any time and may not be pursued or followed unless the parent seeks to reclaim the infant. When an infant is born in a hospital and the mother expresses intent to leave the infant and not return, upon the mother's request, the hospital or registrar must ~~shall~~ complete the infant's birth certificate without naming the mother thereon.

(7)~~(6)~~ A parent of an infant surrendered ~~left at a hospital, an emergency medical services station, or a fire station~~ under this section may claim his or her infant up until the court enters a judgment terminating his or her parental rights. A claim to the infant must be made to the entity having physical or legal custody of the infant or to the circuit court before whom proceedings involving the infant are pending.

(8)~~(7)~~ Upon admitting an infant under this section, the hospital shall immediately contact a local licensed child-placing agency or alternatively contact the statewide central abuse hotline for the name of a licensed child-placing agency for purposes of transferring physical custody of the infant. The hospital shall notify the licensed child-placing agency that an infant has been left with the hospital and approximately when the licensed child-placing agency can take physical custody of the infant. In cases where there is actual or suspected child abuse or neglect, the hospital or any of its medical staff or licensed health care professionals shall report the actual or suspected child abuse or neglect in accordance with ss. 39.201 and 395.1023 in lieu of contacting a licensed child-placing agency.

(9)~~(8)~~ An infant admitted to a hospital in accordance with this section is presumed eligible for coverage under Medicaid, subject to federal rules.

(10)~~(9)~~ An infant surrendered ~~left at a hospital, an emergency medical services station, or a fire station~~ in accordance with this section may not be deemed abandoned and is not subject to the reporting and investigation requirements under s. 39.201 unless there is actual or suspected child abuse or until the Department of Children and Families takes physical custody of the infant.

(11)~~(10)~~ If the parent of an infant is unable to surrender the infant in accordance with this section, the parent may call 911 to request that an emergency medical services provider meet the surrendering parent at a specified location. The surrendering parent must stay with the infant until the emergency medical services provider arrives to take custody of the infant.

(12)~~(11)~~ A criminal investigation may not be initiated solely because an infant is surrendered in accordance with this section unless there is actual or suspected child abuse or neglect.

Section 2. Subsection (4) of section 63.0423, Florida Statutes, is amended to read:

63.0423 Procedures with respect to surrendered infants.—

(4) The parent who surrenders the infant in accordance with s. 383.50 is presumed to have consented to termination of parental rights, and express consent is not required. Except when there is actual or suspected child abuse or neglect, the licensed child-placing agency may not attempt to pursue, search

for, or notify that parent as provided in s. 63.088 and chapter 49. For purposes of s. 383.50 and this section, an infant who tests positive for illegal drugs, narcotic prescription drugs, alcohol, or other substances, but shows no other signs of child abuse or neglect, shall be placed in the custody of a licensed child-placing agency. Such a placement does not eliminate the reporting requirement under s. 383.50(8) ~~s. 383.50(7)~~. When the department is contacted regarding an infant properly surrendered under this section and s. 383.50, the department shall provide instruction to contact a licensed child-placing agency and may not take custody of the infant unless reasonable efforts to contact a licensed child-placing agency to accept the infant have not been successful.

Section 3. This act shall take effect July 1, 2025.

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1690**, relating to Surrendered Infants, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4-8-25
Meeting Date

Rules
Committee

1690
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kaylee Jones

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Email kpgjones@comcast.net

Fort Myers FL 33912
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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/8/25
Meeting Date

Senate Rules
Committee

SB 1690
Bill Number or Topic

Amendment Barcode (if applicable)

Name PG Schafer

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Ocala FL 34471
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:

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S-001 (08/10/2021)

The Florida Senate

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4-8-25
Meeting Date

Rules
Committee

1690
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Jones

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Address 15342 Briar Ridge Circle
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Ft. Myers FL 33912
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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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S-001 (08/10/2021)

The Florida Senate

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8 APRIL 2025
Meeting Date

SB 1690
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name BILL SNYDER Phone

Address Email

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:

☐ 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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4-8-2025
Meeting Date

Rules
Committee

SB 1690
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andrew Shirvell

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Tallahassee FL 32317
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 Voice For the Unborn

☐ 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

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

1690
Bill Number or Topic

Amendment Barcode (if applicable)

Name John Labriola

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Miami FL 33265
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: Christian Family Coalition Florida

☐ 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

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 1696
INTRODUCER:	Rules Committee and Senator Calatayud
SUBJECT:	Prearranged Transportation Services
DATE:	April 8, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Favorable**
2.	Parker	Stokes	CJ	**Favorable**
3.	Johnson	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1696 prohibits a person from willfully impersonating a transportation network company (TNC) driver by engaging in specified conduct. Under the bill, a violation of the prohibition is generally a second degree misdemeanor; however, a person commits a third degree felony if he or she impersonates a TNC driver during the commission of, or to facilitate the commission of, a separate felony offense.

Additionally, the bill clarifies that services purchased from a TNC do not qualify as privately owned or operated bus transit systems, and that a TNC is not a transportation service provider, and thus not subject to specified regulations relating to paratransit service contracts. The bill also modifies training requirements for paratransit drivers to authorize access to third-party training materials.

The bill may have a fiscal impact on both governmental entities and the private sector. *See* Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Transportation Network Companies (TNCs)

A Transportation Network Company (TNC), codified in s. 627.748, F.S., is defined to mean an entity operating pursuant to s. 627.748, F.S., using a digital network to connect a rider to a TNC driver, who provides prearranged rides. Specifically, a TNC:

- Does not own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract.
- Is not a taxicab association.
- Is not an individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization.[1]

A TNC driver receives connections to potential riders and related services from a TNC and in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider after being connected through a digital network.[2] A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab service, and is not required to register a TNC vehicle as a commercial motor vehicle or a for-hire vehicle.[3] A TNC's digital network must display the TNC driver's photograph and the TNC vehicle's license plate number before the rider enters the TNC vehicle.[4]

Transit Safety Standards

Section 341.061, F.S., requires the Florida Department of Transportation (FDOT) to adopt rules establishing minimum equipment and operational safety standards for the following entities:

- Governmentally owned bus transit systems and privately owned or operated bus transit systems operating in this state that are financed wholly or partly by state funds;
- Bus transit systems created pursuant to ch. 427, F.S., providing for the transportation disadvantaged system; and
- Privately owned or operated bus transit systems under contract with any of the above systems.

Such bus transit system standards must be developed jointly by the FDOT and representatives of the transit systems. Accordingly, each bus transit system must:

- Develop a transit safety program plan that complies with established standards;
- Certify to the FDOT that such plan complies with established standards; and
- Implement and comply with the plan during the operation of the transit system.[5]

[1] However, a TNC may provide prearranged rides to individuals who qualify for Medicaid or Medicare if it meets specified requirements under s. 627.748, F.S.
[2] Section 627.748(1)(g), F.S.
[3] Section 627.748(2), F.S.
[4] Section 627.748(5), F.S.
[5] Section 341.061(2)(a), F.S.

Additionally, as part of its safety plan, each bus transit system must:

- Require all transit buses operated by the system to be inspected at least annually in accordance with established standards;
- Ensure that qualified personnel of the bus transit system, or public or private entities qualified by the bus transit system, perform safety inspections; and
- Annually certify in writing to the department that it has complied with the adopted safety program plan and safety inspections.[6]

Transportation Service Provider Contracts

For purposes of transportation service contracts, the term "transportation service provider" is defined to mean an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities.[7]

For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets requirements established by the Agency for Persons with Disabilities (APD) for training and professional development of staff providing direct services to clients of the agency.[8]

III. Effect of Proposed Changes:

The bill creates a criminal offense related to the impersonation of a TNC driver. Under the bill, a person who willfully impersonates a TNC driver by virtue of any of the following commits a second degree misdemeanor:[9]

- Making a false statement;
- Displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a TNC; or
- Engaging in any other act that falsely represents that he or she represents a TNC or is responding to a passenger ride request for a TNC.

However, a person who willfully impersonates a TNC driver during the commission of, or to facilitate the commission of, a separate felony offense commits a third degree felony.[10]

The bill clarifies that services purchased from a TNC which otherwise comply with the TNC statute, are not considered privately owned or operated bus transit systems for purposes of the FDOT's transit safety standards. Therefore, TNCs are not subject to specified regulations related to transit safety standards, inspections, and system safety reviews.

[6] Section 341.061(2)(b), F.S.
[7] Section 427.02(1), F.S.
[8] Section 427.02(2)(a), F.S.
[9] A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Sections. 775.082 and 775.083, F.S.
[10] A third degree felony is punishable by up to five years in prison and a $5,000 fine. Sections. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

The bill amends the definition of "transportation service provider" as it relates to paratransit service contracts, specifying that such service providers use a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The bill provides that the term "transportation service provider" does not include a TNC.

The bill amends the current requirement that transportation service providers provide training to each driver providing paratransit service to persons with disabilities that meet requirements established by the APD. The bill requires each transportation service provider to provide each driver with access to third-party training materials that meet such requirements.

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:

The bill may have an indeterminate positive fiscal impact on the private sector by exempting TNCs from specified requirements related to safety inspections and driver training, which may reduce expenses incurred by TNCs that are currently complying with such requirements.

C. Government Sector Impact:

The bill may create an increase in the need for state prison beds due to creating a felony offense related to impersonating a TNC driver, which may result in more offenders being sentenced to prison. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the prison population cannot be determined.

The bill may create an increase in the need for county jail beds due to creating a misdemeanor offense related to impersonating a TNC driver, which may result in more offenders being sentenced to jail. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the county jail population cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 316.2021 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 341.061 and 427.02.

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 Rules on April 8, 2025:

- Clarifies that one must willfully impersonate a transportation network company driver during the commission of, or to facilitate the commission of, a separate felony offense, for this offense to become a felony.
- Conforms the Senate bill to the House 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.

430890

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment

Delete lines 20 - 31
and insert:
company driver.—

(1) A person may not impersonate a transportation network company driver, as defined in s. 627.748(1), by making a false statement; displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a transportation network company; or engaging in any other act that falsely represents that the person represents a transportation network company or

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is responding to a passenger ride request for a transportation network company.

(2)(a) Except as provided in paragraph (b), a person who willfully violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates subsection (1) during the commission of, or to facilitate the commission of, a separate felony offense commits a felony of the

By Senator Calatayud

38-01618B-25 20251696__

A bill to be entitled

An act relating to prearranged transportation services; creating s. 316.2021, F.S.; prohibiting the impersonation of a transportation network company driver; providing criminal penalties; amending s. 341.061, F.S.; providing that services purchased from a transportation network company are not considered privately owned or operated bus transit systems; amending s. 427.02, F.S.; revising the definition of the term "transportation service provider"; requiring transportation service providers to provide certain drivers with access to certain training materials; providing an effective date.

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

Section 1. Section 316.2021, Florida Statutes, is created to read:

316.2021 Unlawful impersonation of transportation network company driver.—A person may not impersonate a transportation network company driver, as defined in s. 627.748(1), by making a false statement; displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a transportation network company; or engaging in any other act that falsely represents that the person represents a transportation network company or is responding to a passenger ride request for a transportation network company. A person who willfully violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who

38-01618B-25 20251696__

impersonates a transportation network company driver during the commission of a separate felony offense commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (d) is added to subsection (2) of section 341.061, Florida Statutes, to read:

341.061 Transit safety standards; inspections and system safety reviews.—

(2)

(d) Services purchased from a transportation network company as defined in s. 627.748(1) which otherwise comply with the provisions of s. 627.748 are not privately owned or operated bus transit systems.

Section 3. Subsection (1) and paragraph (a) of subsection (2) of section 427.02, Florida Statutes, are amended to read:

427.02 Paratransit service contracts for transportation service providers.—

(1) For purposes of this section, the term "transportation service provider" means an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities using a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The term does not include a transportation network company as defined in s. 627.748(1).

(2) For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to:

(a) Provide ~~training to~~ each driver of a motor vehicle used to provide paratransit service to persons with disabilities with

access to third-party training materials which, at a minimum, meet ~~meets~~ requirements established by the Agency for Persons with Disabilities for training and professional development of staff providing direct services to clients of the agency.

Section 4. This act shall take effect July 1, 2025.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1st, 2025

I respectfully request that **SB 1696: Prearranged Transportation Services**, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/8/25
Meeting Date

Rules
Committee

SB 1696
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Pierce

Phone 813 777-5578

Address 113 E College Ave
Street

Email ron@teamrsa.com

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:

PSTA

☐ 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

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04/08/2025
Meeting Date

Rules
Committee

1696
Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric Reed

Phone 8505086013

Address 2145 Delta Blvd
Street

Email ereed@faast.org

Tallahassee FL 32303
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 Alliance for Assistve Services and Technology

☐ 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

APPEARANCE RECORD

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4/8/25
Meeting Date

Rules
Committee

SB 1696
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lizzie Pittinger

Phone 908-809-2731

Address 7004 SW 40th Street, Unit 614
Street

Email lizziep@uber.com

Miami FL 33155
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: Uber

☐ 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

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 1730
INTRODUCER:	Rules Committee, Community Affairs Committee and Senator Calatayud
SUBJECT:	Affordable Housing
DATE:	April 9, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1730 amends various provisions of the Live Local Act, passed during the 2023 Regular Session, related to the preemption of certain zoning and land use regulations to authorize affordable housing developments. Specifically, the bill:

- Clarifies the application of the zoning preemption by defining "commercial," "industrial," and "mixed-use zoning," and providing that the preemption applies in areas such as planned unit developments with different zoning mechanics;
- Prohibits local governments from requiring amendments to developments of regional impact before allowing development;
- Prohibits local governments from requiring a certain amount of residential usage in mixed-use developments;
- Clarifies the nature of administrative approval of affordable housing developments;
- Requires local governments to reduce parking requirements, as opposed to considering such reduction;
- Provides for priority docketing and prevailing party attorneys' fees in lawsuits brought under the Live Local Act; and
- Prohibits local governments from enforcing building moratoria that would have the effect of delaying the permitting or construction of affordable housing developments, except in certain circumstances.

Outside of the Live Local Act, the bill also:

- Amends the evacuation time for the Florida Keys area of critical state concern;
- Enacts a state policy related to public sector and hospital employer-sponsored housing; and

- Clarifies that the Fair Housing Act prohibits local governments from discriminating in land use decisions based on the nature of a development as affordable housing.

The bill takes effect July 1, 2025.

II. Present Situation:

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened."

What makes housing "affordable" is a decrease in monthly rent so that income eligible households can pay less for the housing than it would otherwise cost at "market rate."[1] Lower monthly rent payment is a result of affordable housing financing that comes with an enforceable agreement from the developer to restrict the rent that can be charged based on the size of the household and the number of bedrooms in the unit.[2] The financing of affordable housing is made possible through government programs such as the federal Low-Income Housing Tax Credit Program and the Florida's State Apartment Incentive Loan program.[3]

Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels. These levels are published annually by the U.S. Department of Housing and Urban Development for every county and metropolitan area.[4] Florida Statutes categorizes the levels of household income as follows:

- Extremely low income – households at or below 30% AMI;[5]
- Very low income – households at or below 50% AMI;[6]
- Low income – households at or below 80% AMI;[7] and
- Moderate income – households at or below 120% AMI.[8]

Zoning and Land Use Preemption for Affordable Developments

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.[9] All development, both public and private, and

[1] The Florida Housing Coalition, *Affordable Housing in Florida*, p. 3, available at: https://flhousing.org/wp-content/uploads/2022/07/Affordable-Housing-in-Florida.pdf (last visited Mar. 26, 2025).
[2] *Id.*
[3] *Id.*
[4] U.S. Department of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas – Click Here for FY 2023 IL Documentation*, available at https://www.huduser.gov/portal/datasets/il.html#2021 (last visited Mar.26, 2025).
[5] Section 420.0004(9), F.S.
[6] Section 420.0004(17), F.S.
[7] Section 420.0004(11), F.S.
[8] Section 420.0004(12), F.S.
[9] Section 163.3167(2), F.S.

all development orders[10] approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.[11] The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels[12] within that range are decided by a more detailed, implementing zoning map.[13]

The Live Local Act (act)[14] preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential[15] rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.[16] To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% AMI, for a period of at least 30 years.

Additionally, the local government may not restrict the density or floor area ratio of qualifying developments below the highest allowed density, or below 150 percent of the highest allowed floor area ratio, on land within its jurisdiction where residential development is allowed, and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Further height restrictions apply where a proposed development is adjacent to single family residential development.

An application for a development must be administratively approved and no further action is required from the governing body of the local government if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan.

A local government must consider reducing parking requirements for these developments if they are located within one-half mile of a major transit stop, as such term is the local government's land development code, and the major transit stop is accessible from the development. Additionally, a local government must reduce parking requirements by at least 20 percent if the development is located within one-half mile of a major transportation hub that is accessible from the proposed development and has available parking within 600 feet of the proposed

[10] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.
[11] Section 163.3194(3), F.S
[12] When local governments make changes to their zoning regulations or comprehensive plans some structures may no longer be in compliance with the newly approved zoning and may be deemed a "nonconforming use." A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.
[13] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[14] The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.
[15] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.
[16] *See* ss. 125.01055(7) and 166.04151(7), F.S., this analysis section.

development (i.e., on-street parking, parking lots, or parking garages). Finally, as it relates to parking, a local government must eliminate parking requirements for a proposed mixed-use residential development within an area recognized by the local government as a transit-oriented development or area.
These zoning and land use provisions do not apply to recreational and commercial working waterfronts in industrial areas, and only mixed-use residential developments must be authorized under these provisions in areas where commercial or industrial capacity is exceptionally limited.

The act specifically requires that except as otherwise provided in the act, a qualifying development must comply with all applicable state and local laws and regulations.

These provisions are effective until October 1, 2033.

Priority Docketing

The Florida Rules of Judicial Administration govern the ways a judge controls a case in terms of timing and docketing. Some cases that come before a court are deemed priority cases, either directly in statute, in rule of procedure, or case law. Every judge has a duty to expedite priority cases to the extent reasonably possible.[17] For these cases judges are tasked with implementing docket control policies necessary to advance the case and ensure prompt resolution. [18] Docket control policies include setting deadlines for phases of the case, giving priority to hearings required to advance the case, and advancing the trial setting. A party in a priority status case may file a notice of priority status, and has recourse if they believe the case has not been appropriately advanced on the docket or received priority in scheduling.[19]

Florida Keys Area of Critical State Concern

In 1975, the Florida Keys were designated as an area of critical state concern. The designation includes the municipalities of Islamorada, Marathon, Layton and Key Colony Beach, and unincorporated Monroe County.[20] State, regional, and local governments in the Florida Keys Area of Critical State Concern are required to coordinate development plans and conduct programs and activities consistent with principles for guiding development. Principles include protecting the environmental resources, historical heritage, and water quality of the Florida Keys.[21]

A land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but such actions must be approved by the Florida Department of Commerce ("Commerce").[22] Amendments to local comprehensive plans must also be reviewed for compliance with several requirements:

[17] Fla. R. Jud. Admin. 2.215(g).
[18] Fla. R. Jud. Admin. 2.545(b).
[19] Fla. R. Jud. Admin. 2.545(c).
[20] The City of Key West functions as a separate area of critical state concern, called the City of Key West Area of Critical State Concern, with similar restrictions. Section 380.0552, F.S.; *2020 Florida Keys Area of Critical State Concern Annual Report* available at https://floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2020keysacscannualreport.pdf?sfvrsn=51c94eb0_2 (last visited Mar. 26, 2025).
[21] For a full list of required considerations, *see* s. 380.0552(7), F.S.
[22] Section 380.0552(9)(a), F.S.

construction schedules, financing plans and compliance with construction standards for wastewater treatment and disposal facilities, and protection of public safety with maintenance of hurricane evacuation clearance time with standards developed by a hurricane evacuation study conducted under professionally accepted methodology.

Hurricane Evacuation Clearance Standards in the Florida Keys

The Florida Keys Area Protection Act[23] provides, in part, that comprehensive plan amendments within the covered area, which includes the majority of Monroe County, must comply with "goals, objectives and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours." The hurricane evacuation clearance time must be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by Commerce.[24]

Affordable Housing Financing and Employer-Sponsored Housing Policy

Housing credits are a financial instrument, tax credits, issued through the Low Income Housing Tax Credit program.[25] After being allocated a certain amount of tax credits by the federal government based on population and need, the Florida Housing Finance Corporation allocates the funding to affordable housing developers. There are two types of credits:

- 9 percent credits, which are more valuable and limited. These are competitively bid for and can typically fund two-thirds of a development's total cost; and
- 4 percent credits, which are not limited and considered "non-competitive." These typically fund one third of a development's total cost.

The Federal Internal Revenue Service provides requirements for developments that can qualify as low-income housing for the purpose of administering certain financing such as these tax credits.[26] One requirement is that, in general, a project be available for general public use. Exceptions to this requirement permit occupancy restrictions or preferences that favor tenants:[27]

- With special needs;
- Who are members of a specified group under a federal or state program or policy that supports housing for such group; or
- Who are involved in artistic or literary activities.

Fair Housing

The Florida Fair Housing Act[28] prohibits discrimination in housing-related activities, including the sale, rental, and financing of housing. The law protects individuals from discrimination based on race, color, national origin, sex, disability, familial status, or religion. The law also specifically prohibits local governments from discriminatory practices in land use decisions and

[23] Section 380.0552, F.S.
[24] Section 380.0552(9)(a)2., F.S.
[25] Florida Housing Finance Corporation, *Housing Credits*, available at https://www.floridahousing.org/programs/developers-multifamily-programs/low-income-housing-tax-credits (last visited Mar. 26, 2025).
[26] I.R.C. 42(g).
[27] I.R.C. 42(g)(9).
[28] Sections 760.20-760.37, F.S.

development permitting, including discrimination based on the source of financing of a development, except as otherwise provided by law.[29] The Act is enforced by the Florida Commission on Human Relations, which investigates complaints and can seek legal remedies for violations.

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 125.01055 and 166.04151, F.S., related to the administrative approval of certain affordable housing developments under the Live Local Act. The amendments are organized below.

Application, Definitions, and Clarity

The bill amends several areas to more clearly define what areas are subject to the provisions of each statute's subsection 7, requiring the authorization of certain affordable housing developments. In an attempt to clarify applicability where traditional zoning is not utilized on a local level, the bill provides that the provisions apply in portions of any flexibly zoned areas such as a planned unit development permitted for commercial, industrial, or mixed use.

The bill further provides definitions for "commercial use," "industrial use," and "mixed use." Each definition is intended to function only for the purposes of the section and meant to apply regardless of the local regulation's categorization.

- "Commercial use" is defined as activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The bill provides examples, and provides that accessory, ancillary, incidental, or temporary commercial uses are not enough to make a parcel zoned for commercial use for the purposes of the section. The term does not include home based businesses, vacation rentals, or cottage food operations undertaken on residential property. Additionally, recreational use, such as golf courses and tennis courts, within residential areas are not considered commercial use.
- "Industrial use" is defined as activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The bill provides examples and contains the same caveats as under commercial use, including the exclusion of recreational areas.
- "Mixed use" is defined as any use that combines multiple types of approved land uses from at least two of the residential, commercial, and industrial categories. The bill contains the same caveats as above, including the exclusion of recreational areas.

Amendments to Preemptive Provisions

The bill also amends certain functions of the required administrative approval process and parameters for the scope of the preemption. The bill clarifies on administrative approval that the action must occur without further action by the governing body of the local government or any quasi-judicial or administrative board or reviewing body.

The bill further provides that, pursuant to administrative approval, a local government may not require a proposed multifamily development to obtain a transfer of density or development units,

[29] Section 760.26, F.S.

or an amendment to a development or regional impact. Additionally, a local government may not require that more than 10 percent of the total square footage of a proposed mixed-use residential project be used for nonresidential purposes.

The preemption is amended to say that a county may not restrict the height, density, or floor area ratio of a proposed development below the highest currently allowed, or allowed on July 1, 2023, for a commercial or residential building located in its jurisdiction (for height, within 1 mile as currently provided). The provision of law restricting approved development height for proposed development adjacent to single-family residential use is similarly amended to be allow the highest allowed on July 1, 2023, but tempered not to exceed 10 stories.

For a proposed development within a municipality within an area of critical state concern, the bill provides that the term "story" includes only the habitable space above the base flood elevation as designated in the most current Flood Insurance Rate Map, and that a story may not exceed 10 feet in height between finished floors. The highest story in such a development may not exceed 10 feet from finished floor to the top plate.

The bill clarifies the density provision by defining "allowable density" to mean the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

The parking preemption is amended to require a local government, upon request by the applicant, to reduce parking requirements for a proposed development by 20 percent if the proposed development meets any of the criteria considered for parking reduction currently provided by law. Current law requires the local government to *consider* reducing parking requirements.

Exempt areas, which currently include only airport-impacted areas and commercial working waterfronts, are expanded to include the Wekiva Study Area[30] and the Everglades Protection Area.[31]

Counties are further permitted, but not required, to allow an adjacent parcel of land to be included within a proposed multifamily development authorized under the Live Local Act preemption, notwithstanding any other law or local ordinance or regulation to the contrary.

Civil Actions Under the Act

The bill contains several provisions related to litigation arising from this subsection of law. The bill provides that a court shall give any civil action filed against a local government for a violation priority over other pending cases and render a preliminary or final decision as expeditiously as possible. Further, the bill provides that the court must assess and award reasonable attorney fees and costs, not exceeding $200,000, to a prevailing party in such an action. Attorney fees incurred to determine an award of fees and costs are not recoverable.

[30] *See* s. 369.316, F.S. The Wekiva Study Area includes portions of Lake, Orange, and Seminole Counties.
[31] *See* s. 373.4592(2), F.S.

Moratoria

The bill creates a new subsection of ss. 125.01055 and 166.04151, F.S., to preempt local governments from enforcing building moratoria that have the effect of delaying the permitting or construction of a development under subsection (7).

As an exception, a local government may impose or enforce such a moratorium by ordinance for no more than 90 days in any 3-year period after preparing, publishing, and presenting an assessment of the locality's need for affordable housing.

The bill provides that, in a civil action filed against a local government under the subsection on moratoria, the court must assess and award reasonable attorney fees and costs, not exceeding $200,000, to a prevailing party in such an action. Attorney fees incurred to determine an award of fees and costs are not recoverable.

The prohibition on moratoria does not apply to a moratorium imposed due to unavailability of public facilities or services, or imposed to address storm- or flood-water management, provided such moratorium applies equally to all types of multifamily or mixed use residential development.

Section 3 provides that an applicant for a proposed development authorized under ss. 125.01055(7) or 166.04151(7), F.S., who submitted documentation before July 1, 2025, may proceed under the provisions of law as they existed at the time of submission, or notify the local government of their intent to revise their submission to account for the changes made by the bill.

Section 4 amends s. 380.0552, F.S., to amend the hurricane evacuation clearance time which subject local governments must base comprehensive planning around from twenty-four to twenty-six hours. **Section 5** provides that the intent of the Legislature in this amendment is to accommodate the building of additional developments to ameliorate the acute affordable housing and building permit allocation shortage. The Legislature thereby intends that local governments manage growth authorized by the amendment with a focus on long-term stability and affordable housing for the local workforce.

Section 6 creates s. 420.5098, F.S., to institute a state housing policy on public sector and hospital employer-sponsored housing. The bill provides that it is the policy of the state to support housing for employees of hospitals, health care facilities, and governmental entities and to allow developers using low-income housing tax credits and other sources of funding to create a preference for housing for such employees. However, such preference must conform with the requirements provided under federal law.

Section 7 amends s. 760.26, F.S., to provide that it is unlawful to discriminate in land use decisions or in the permitting of development based on the nature of a development or proposed development as affordable housing, except as otherwise provided by law.

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: 125.01055, 166.04151, 380.0552, and 760.26.

The bill creates an undesignated section of Florida law.

This bill creates the following section of the Florida Statutes: 420.5098.

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 April 8, 2025:

The committee substitute:

- Defines "story," as it pertains to the application of the height entitlement in the Florida Keys, to include only the habitable space above the base flood elevation, and limits the height of each story to 10 feet;
- Clarifies that "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties;
- Clarifies that "commercial use," in terms of the land use preemption, includes hotels and excludes vacation rentals; and
- Changes terminology from "enact" to "enforce" on the prohibition on Live Local moratoria.

CS by Community Affairs on March 31, 2025:

The committee substitute revises sections of the bill related to the preemption of certain zoning and land use regulations under the Live Local Act, specifically:

- Removes a prohibition on requiring amendments to development agreements and restrictive covenants;
- Provides that the authorized height for a proposed development may use the density or floor area ratio allowed on July 1, 2023;
- Provides a cap of 10 stories for developments adjacent to residential development;
- Clarifies parking reduction requirements;
- Provides exceptions for the Wekiva Study Area and the Everglades Protection Area;
- Revises attorney fee provisions to favor the prevailing party, rather than plaintiff; removes reference to damages;
- Increases maximum attorney fee award from $100,000 to $200,000
- Clarifies zoning definitions; and
- Provides that a local government may, but is not required to, permit development on adjacent properties to proposed developments authorized under the Live Local Act.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 155 - 515

and insert:

administrative approval pursuant to this subsection. For the purposes of this paragraph, the term "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a

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proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or ~~and~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent

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parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(m) The court shall give any civil action filed against a county for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(n) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist

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attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of the manner in which they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and

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clubhouses, within an area designated for residential use are not industrial use, irrespective of the manner in which they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of the manner in which they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) Except as provided in paragraphs (b) and (d), a county may not enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A county may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the county shall prepare or cause to be prepared an assessment of the county's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the county's website by the date the notice of proposed enactment is published, and presented at the same public meeting at which the

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proposed ordinance imposing the building moratorium is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 125.66(3).

(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

Section 2. Present paragraph (l) of subsection (7) of section 166.04151, Florida Statutes, is redesignated as paragraph (p), a new paragraph (l) and paragraphs (m), (n), and (o) are added to that subsection, subsection (9) is added to that section, and paragraphs (a) through (f) and (k) of subsection (7) of that section are amended, to read:

166.04151 Affordable housing.—

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted

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for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below

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150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent

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of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including man-made lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A

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proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For the purposes of this paragraph, the term "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements for a proposed development authorized under this subsection by 20 percent if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or~~.~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the

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reduction in parking requirements.

2.~~3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(m) The court shall give any civil action filed against a municipality for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(n) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this

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subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of the manner in which they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile

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manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial, irrespective of the manner in which they are operated.

3. "Mixed-use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of the manner in which they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) Except as provided in paragraphs (b) and (d), a municipality may not enforce a building moratorium that has the effect of delaying the permitting or construction of a

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multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A municipality may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the municipality shall prepare or cause to be prepared an assessment of the municipality's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed enactment is published and must be presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria

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389
390 ================ T I T L E A M E N D M E N T ================
391 And the title is amended as follows:
392 Delete line 15
393 and insert:
394 developments; defining the term "story" for a proposed
395 development located within a municipality within a
396 certain area of critical state concern; requiring the
397 administrative approval of

By the Committee on Community Affairs; and Senator Calatayud

578-03104-25 20251730c1

A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; requiring counties and municipalities, respectively, to authorize multifamily and mixed-use residential as allowable uses in portions of flexibly zoned areas under certain circumstances; prohibiting counties and municipalities from imposing certain requirements on proposed multifamily developments; prohibiting counties and municipalities from requiring that more than a specified percentage of a mixed-use residential project be used for certain purposes; revising the density, floor area ratio, or height below which counties and municipalities may not restrict certain developments; requiring the administrative approval of certain proposed developments without further action by a quasi-judicial or administrative board or reviewing body under certain circumstances; requiring counties and municipalities to reduce parking requirements by a specified percentage for certain proposed developments under certain circumstances; requiring counties and municipalities to allow adjacent parcels of land to be included within certain proposed developments; revising applicability; requiring a court to give priority to and render expeditious decisions in certain civil actions; requiring a court to award reasonable attorney fees and costs to a prevailing party in certain civil actions; providing that such attorney fees or costs

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

578-03104-25 20251730c1

may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or costs; defining terms; prohibiting counties and municipalities from imposing certain building moratoriums; providing an exception, subject to certain requirements; providing applicability; authorizing applicants for certain proposed developments to notify the county or municipality, as applicable, by a specified date of its intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; amending s. 380.0552, F.S.; revising the maximum hurricane evacuation clearance time for permanent residents, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; providing legislative intent; creating s. 420.5098, F.S.; providing legislative findings and intent; defining terms; providing that it is the policy of the state to support housing for certain employees and to permit developers in receipt of certain tax credits and funds to create a specified preference for housing certain employees; requiring that such preference conform to certain requirements; amending s. 760.26, F.S.; providing that it is unlawful to discriminate in land use decisions or in the permitting of development based on the specified nature of a development or

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

proposed development; providing an effective date.

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

Section 1. Present paragraph (l) of subsection (7) of section 125.01055, Florida Statutes, is redesignated as paragraph (p), a new paragraph (l) and paragraphs (m), (n), and (o) are added to that subsection, subsection (9) is added to that section, and paragraphs (a) through (f) and (k) of subsection (7) of that section are amended, to read:

125.01055 Affordable housing.—

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The county may not require that more than 10 percent of the total square footage of such

mixed-use residential projects be used for nonresidential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest

currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or 3 stories, whichever is higher, but not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is

otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or ~~and~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not

require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(m) The court shall give any civil action filed against a county for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(n) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this

subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of the manner in which they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing

facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of the manner in which they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of the manner in which they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) A county may not impose a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7) except as provided in paragraph (b).

(b) A county may, by ordinance, impose such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the county shall prepare or cause to be prepared an assessment of the county's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the county's website by the date the notice of proposed enactment is published, and presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 125.66(3).

(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed due to unavailability of public facilities or services or imposed to address stormwater or flood water management, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

Section 2. Present paragraph (l) of subsection (7) of section 166.04151, Florida Statutes, is redesignated as

paragraph (p), a new paragraph (l) and paragraphs (m), (n), and (o) are added to that subsection, subsection (9) is added to that section, and paragraphs (a) through (f) and (k) of subsection (7) of that section are amended, to read:

166.04151 Affordable housing.—

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any land in the municipality where residential development is

allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this

subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including man-made lakes or ponds.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A

proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements for a proposed development authorized under this subsection by 20 percent if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or~~.~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as

a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(m) The court shall give any civil action filed against a municipality for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(n) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of the manner in which they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a

variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial, irrespective of the manner in which they are operated.

3. "Mixed-use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of the manner in which they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) A municipality may not impose a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7) except as provided in paragraph (b).

(b) A municipality may, by ordinance, impose such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the municipality shall prepare or cause to be prepared an assessment

of the municipality's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed enactment is published and must be presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed $200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed due to unavailability of public facilities or services or imposed to address stormwater or flood water management, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, written request, or notice of intent to use such provisions to the county or municipality and which application, written

request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2025, may notify the county or municipality by July 1, 2025, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submitted such application, written request, or notice of intent before July 1, 2025, the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by this act.

Section 4. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually

adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 26 ~~24~~ hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 5. It is the intent of the Legislature that the amendment made by this act to s. 380.0552, Florida Statutes, will accommodate the building of additional developments within the Florida Keys to ameliorate the acute affordable housing and building permit allocation shortage. The Legislature also intends that local governments subject to the hurricane evacuation clearance time restrictions on residential buildings manage growth with a heightened focus on long-term stability and affordable housing for the local workforce.

Section 6. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and hospital employer-sponsored housing policy.—

(1) The Legislature finds that it is in the best interests of the state and the state's economy to provide affordable housing to state residents employed by hospitals, health care facilities, and governmental entities in order to attract and maintain the highest quality labor by incentivizing such employers to sponsor affordable housing opportunities. Section 42(g)(9)(B) of the Internal Revenue Code provides that a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group. Therefore, it is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for employees of hospitals, health care facilities, and governmental entities.

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

(a) "Governmental entity" means any state, regional, county, local, or municipal governmental entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of the state; any public school, state university, or Florida College System institution; or any special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as provided in s. 159.27(16).

(c) "Hospital" means a hospital under chapter 155, a hospital district created pursuant to chapter 189, or a hospital licensed pursuant to chapter 395, including corporations not for profit that are qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities.

(3) It is the policy of the state to support housing for employees of hospitals, health care facilities, and governmental entities and to allow developers in receipt of federal low-income housing tax credits allocated pursuant to s. 420.5099, local or state funds, or other sources of funding available to finance the development of affordable housing to create a preference for housing for such employees. Such preference must conform to the requirements of s. 42(g)(9) of the Internal Revenue Code.

Section 7. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, the source of financing of a development or proposed development or the nature of a development or proposed development as affordable housing.

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 31st, 2025

I respectfully request that **Senate Bill #1730**, Affordable Housing, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

4/8/2025
Meeting Date

Rules
Committee

1730
Bill Number or Topic

Amendment Barcode (if applicable)

Name Robert Walters

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Address 106 E. College Ave.
Street

Email rwalters@steamsweaver.com

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:
Coral Rock

☐ 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

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4/8/25
Meeting Date

Rules
Committee

1730
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins

Phone 352-895-8693

Address 308 N monroe
Street

Email kdinkins@1000fof.org

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:
1000 Friends of FL

☐ 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)

The Florida Senate

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4/8/25
Meeting Date

Rules
Committee

1730
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeffrey Sharkey

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Address 106 E College Ave
Street

Email jeffreyshark@gmail.com

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: Wendover Housing

☐ 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

APPEARANCE RECORD

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4/8/2025
Meeting Date

Rules
Committee

1730
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill

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Street

Tallahassee, FL 32301
City State Zip

Email cmadill@flchamber.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 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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4-8-25
Meeting Date

RULES
Committee

SB 1730
Bill Number or Topic

Amendment Barcode (if applicable)

Name KARI HEBRANK

Phone 566-7824

Address 215 S. MONROE ST. #500
Street

Email khebrank@carltonfields.com

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 HOME BUILDERS ASSOC.

☐ 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

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 1738
INTRODUCER:	Senator Ingoglia
SUBJECT:	Transportation Concurrency
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Shutes	Vickers	TR	**Favorable**
3.	Hackett	Yeatman	RC	**Pre-meeting**

I. Summary:

SB 1738 permits a local government to identify facilities necessary to maintain current levels of service in the capital improvements element of the comprehensive plan as an alternative to those necessary to meet an adopted level of service.

The bill takes effect July 1, 2025.

II. Present Situation:

Transportation Impact Fees

The Community Planning Act requires counties and municipalities to produce and maintain a comprehensive plan for future development and growth.[1] Each comprehensive plan must include a transportation element, the purpose of which is to plan for a multimodal transportation system emphasizing feasible public transportation, addressing mobility issues pertinent to the size and character of the local government, and designed to support all other elements of the comprehensive plan.[2] The transportation element must address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.[3]

In furtherance of comprehensive planning, local governments charge impact fees, generally as a condition for the issuance of a project's building permit, to maintain various civic services amid growth. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.[4] Impact

[1] Part II, chapter 163, F.S.
[2] Section 163.3177(6)(b), F.S.
[3] Section 163.3177(6)(b)1., F.S.
[4] *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).

fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.[5] In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, through which the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.[6]

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.[7] Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.[8]

Concurrency and Proportionate Share

"Concurrency" is a phrase referring to a set of land use regulations requiring local governments to ensure that new development does not outstrip a local government's ability to provide necessary services. Developments meet concurrency requirements when the local government has the infrastructure capacity to serve the new growth.

A concurrency requirement is a law stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.[9] For example, before a local government can approve a building permit to allow a new development, it must consult with its water suppliers to ensure adequate supplies to serve the new development will be available by the time citizens can move in.[10] Certain services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable

[5] *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); section 163.31801(2), F.S.
[6] *See St. Johns County* at 637. Codified as s. 163.31801(3)(f) and (g), F.S.
[7] Section 163.31801(5), F.S.
[8] Section 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.
[9] Section 163.3180(2), F.S.
[10] *Id.*

water) while other services, such as public transportation or schools, may optionally be subjected to concurrency by a local government.[11]

Proportionate share is a tool local governments may use to require developers to help mitigate the impacts of their development notwithstanding a failure to achieve and maintain the adopted level of service standards.[12] Proportionate share generally requires developers to contribute to costs, or build facilities, necessary to offset a new development's impacts.[13]

Transportation Concurrency

Local governments utilizing transportation concurrency must use professionally accepted studies to evaluate levels of service and techniques to measure such levels of service when evaluating potential impacts of proposed developments.[14] While local governments implementing a transportation concurrency system are encouraged to develop and use certain tools and guidelines, such as addressing potential negative impacts on urban infill and redevelopment[15] and adopting long-term multimodal strategies,[16] such local governments must follow specific concurrency requirements including consulting with the Florida Department of Transportation if proposed amendments to the plan affect the Strategic Intermodal System, exempting public transit facilities from concurrency requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.[17]

III. Effect of Proposed Changes:

The bill amends s. 163.3180 (5)(d), F.S., to permit a local government to identify facilities necessary to maintain current levels of service, as opposed to facilities necessary to meet newly adopted levels of service, in the capital improvements element of the comprehensive plan. This amendment allows a local government to elaborate on capital improvements in its comprehensive plan, but does not replace the adoption of a level of service for the purpose of applying concurrency to future development as required by subsection (5)(a).

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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[11] Section 163.3180(1), F.S.
[12] Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), retrieved from https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1041&context=cutr_tpppfr (last visited Mar. 11, 2025).
[13] *Id.*
[14] Section 163.3180(5)(b)-(c), F.S.
[15] Section 163.3180(5)(e), F.S.
[16] Section 163.3180(f), F.S.
[17] Section 163.3180(5)(h), F.S.

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 section 163.3180 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.

By Senator Ingoglia

11-01721-25 20251738__

A bill to be entitled

An act relating to transportation concurrency; amending s. 163.3180, F.S.; revising facilities required to be identified in the capital improvements element of a comprehensive plan that imposes transportation concurrency; providing an effective date.

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

Section 1. Paragraph (d) of subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period or to maintain current levels of service.

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

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 1828
INTRODUCER:	Rules Committee; Judiciary Committee; Criminal Justice Committee and Senator Martin
SUBJECT:	Trespass
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.	Bond	Cibula	JU	**Fav/CS**
3.	Wyant	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1828 amends s. 871.05, F.S., to create a third degree felony offense for trespassing in a venue during a covered ticketed event wherein attendance exceeds 5,000 persons.

The bill amends s. 810.09, F.S., to create a third degree felony for a person that trespasses on property that is maintained or secured by federal, state, or local law enforcement when posted.

The bill amends the offense severity ranking chart to reflect the redesignated paragraphs.

The bill may have an indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect upon becoming law.

II. Present Situation:

Next year, Miami's Hard Rock Stadium will host the FIFA World Cup 26. The full match schedule for the biggest-ever FIFA World Cup has not been announced, and Miami will house four group-stage fixtures as well as a round of 32 games, a quarter-final tie and the bronze final

match.[1] The stadium, which has a capacity of 65,000, has hosted several high-profile matches, including the highest grossing soccer match in North American history, El Clasico between Real Madrid and FC Barcelona, in 2017.[2]

Section 810.08, F.S., states that a person commits a second degree misdemeanor[3] offense of trespass in a structure[4] or conveyance,[5] if:[6]

- Without being authorized, licensed, or invited, such person willfully enters or remains in any structure or conveyance; or,
- Having been authorized, licensed, or invited, such person is warned by the owner or lessee of the premises, or by a person authorized[7] by the owner or lessee, to depart and refuses to do so.

If a person is in the structure or conveyance at the time the offender trespassed, the offense is a first degree misdemeanor.[8]

If the offender is armed with a firearm or other dangerous weapon, or arms himself or herself while in the structure or conveyance, the trespass offense is a third degree felony.[9,10]

Section 871.05, F.S., provides that a person commits a first degree misdemeanor if he or she willfully enters or remains in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such restricted area.[11]

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[1] FIFA, *Miami to Host Seven FIFA World Cup 26 matches*, available at: https://www.fifa.com/en/tournaments/mens/worldcup/canadamexicousa2026/articles/miami-stadium-host-seven-matches (last visited March 18, 2025).
[2] Hard Rock Stadium, *FIFA Announces Miami as Host City for World Cup in 2026* (June 16, 2022) available at: https://www.hardrockstadium.com/miami-world-cup-2026-announcement/ (last visited March 18, 2025).
[3] A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to $500. Sections 775.082 and 775.083, F.S.
[4] "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under ch. 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08, F.S., only, the term means a building of any kind or such portions or remnants thereof as exist at the original site, regardless of absence of wall or roof. Section 810.011(1), F.S.
[5] "Conveyance" means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and "to enter a conveyance" includes taking apart any portion of the conveyance. However, during the state of emergency declared by executive order or proclamation of the Governor under ch. 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08, F.S., only, the term "conveyance" means a motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car or such portions thereof as exist. Section 810.011(3), F.S.
[6] Section 810.08(1), F.S.
[7] As used in this section, "person authorized" means any owner or lessee, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner or lessee, or his or her agent, to communicate an order to depart the property in the case of a threat to public safety or welfare. Section 810.08(3), F.S.
[8] Section 810.08(2)(b), F.S.
[9] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Section 775.082 and 775.083, F.S.
[10] Section 810.08(2)(c), F.S.
[11] "Restricted area" means any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on or adjacent to, the area of play or performance. Section 871.05(1)(c), F.S.

"Covered event" means an athletic competition or practice, including one conducted in a public venue, or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when the venue is held open to the public for such event until the end of the athletic competition or performance event.[12]

III. Effect of Proposed Changes:

The bill amends s. 871.05, F.S., to create a third degree felony offense for a person to willfully enter or remain in a venue, unless authorized, licensed, or invited to enter or remain, during a covered ticketed event wherein attendance exceeds 5,000 persons.

The bill amends s. 810.09, F.S., to create a third degree felony for a person that trespasses on property that is maintained or secured by federal, state, or local law enforcement when posted. The signage must state:

> THIS AREA IS A DESIGNATED RESTRICTED SITE SECURED BY LAW ENFORCEMENT, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the 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.

[12] Section 871.05(1)(a), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate prison bed impact due to the creation of a new third degree felony offense.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 810.09, 871.05 and 921.0022 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/CS by Rules on April 9, 2025:
The committee substitute replaces the October 1, 2025, effective date to become effective upon becoming law.

CS/CS by Judiciary on April 1, 2025:
The committee substitute replaces references to "structure" with the more accurate term "venue."

CS by Criminal Justice on March 25, 2025:
The committee substitute:

- Amends s. 871.05, F.S., to create the crime of trespass in a ticketed covered event.
- Creates a third degree felony offense for anyone who trespasses when a site is secured by federal, state, or local law enforcement, which is posted.

B. Amendments:

None.

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

667748

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2025	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment

Delete line 82

and insert:

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

By the Committees on Judiciary; and Criminal Justice; and Senator Martin

590-03179-25 20251828c2

A bill to be entitled

An act relating to trespass; amending s. 810.09, F.S.; providing enhanced criminal penalties for trespassing on property maintained or secured by federal, state, or local law enforcement officers if specified notice is posted; amending s. 871.05, F.S.; prohibiting a person from willfully entering or remaining in a venue during a ticketed covered event without being authorized, licensed, or invited to enter or remain in such venue; providing criminal penalties; providing an effective date.

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

Section 1. Paragraph (k) is added to subsection (2) of section 810.09, Florida Statutes, to read:

810.09 Trespass on property other than structure or conveyance.—

(2) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(k) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an area being maintained or secured by federal, state, or local law enforcement officers which is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED RESTRICTED SITE SECURED BY LAW ENFORCEMENT, AND ANYONE WHO TRESPASSES ON THIS

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590-03179-25 20251828c2

PROPERTY COMMITS A FELONY."

Section 2. Section 871.05, Florida Statutes, is amended to read:

871.05 Interference with a sporting or entertainment event.—

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

(a) "Covered event" means an athletic competition or practice, including one conducted in a public venue, or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when a venue is held open to the public for such an event until the end of the athletic competition or performance event.

(b) "Covered participant" means an umpire, officiating crew member, player, coach, manager, groundskeeper, or any artistic, theatrical, or other performer or sanctioned participant in a covered event. The term includes event operations and security employees working at a covered event.

(c) "Restricted area" means any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on, or adjacent to, the area of play or performance.

(2) A person may not:

(a) Intentionally touch or strike a covered participant during a covered event against the will of the covered participant, or intentionally cause bodily harm to a covered participant during a covered event; ~~or~~

(b) Willfully enter or remain in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area; or

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

(c) Willfully enter or remain in a venue during a ticketed covered event wherein attendance exceeds 5,000 persons, without being authorized, licensed, or invited to enter or remain in such venue.

(3) A person who:

(a) Violates paragraph (2)(a) or paragraph (2)(b) ~~subsection (2)~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than $2,500.

(b) Violates paragraph (2)(c) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Solicits another person to violate subsection (2) by offering money or any other thing of value to another to engage in specific conduct that constitutes such a violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person convicted of a violation of this section may not realize any profit or benefit, directly or indirectly, from committing such a violation. Any profit or benefit payable to or accruing to a person convicted of a violation of this section is subject to seizure and forfeiture as provided in the Florida Contraband Forfeiture Act.

Section 3. This act shall take effect October 1, 2025.

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

The Florida Senate

APPEARANCE RECORD

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

4/8/2025
Meeting Date

Rules
Committee

SB 1828
Bill Number or Topic

667748
Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850728-6387

Address 730 E. Park Ave
Street

Email erinballas@paconsultants.com

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:
Miami Dade Sheriff

☐ 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

4/8/2025
Meeting Date

Rules
Committee

SB 1828
Bill Number or Topic

Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850 7286387

Address 730 E. Park Ave
Street

Email erinballas@paconsultants.com

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:
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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 7008
INTRODUCER:	Banking and Insurance Committee and Senator Sharief
SUBJECT:	OGSR/Financial Technology Sandbox
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Moody	Knudson		**BI Submitted as Comm. Bill/Fav**
1.	McVaney	McVaney	GO	**Favorable**
2.	Moody	Yeatman	RC	**Favorable**

I. Summary:

SB 7008 saves from repeal the current public records exemption for certain information held by the Office of Financial Regulation (OFR) for certain records containing proprietary business information related to the Financial Technology Sandbox, which offers financial technology innovators a more flexible regulatory framework to operate in Florida for a limited time. Specifically, the bill makes confidential and exempt from public disclosure requirements the following information:

- The reasons why the general law or rule requirements for which an exception or waiver is sought prevent the innovative financial product or service from being made available to consumers;
- Certain information submitted to the OFR to consider in deciding whether to approve an application for the Financial Technology Sandbox; and
- Information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service.

The Open Government Sunset Review Act requires the Legislature to review each public record exemption 5 years after enactment. The affected exemption stands repealed on October 2, 2025, unless reenacted by the Legislature. This bill removes the scheduled repeal of the exemptions, thereby continuing the confidential and exempt status of the information.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Florida 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] The right to inspect or copy 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]

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.[3] The Public Records Act states that:

> [i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[4]

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.[5] 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.

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 connections 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

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[1] FLA. CONST., art. I, s. 24(a).
[2] *Id.*
[3] Public records laws are found throughout the Florida Statutes.
[4] Section 119.01(1), F.S.
[5] *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).
[6] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).

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 provisions[11] 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]

Open Government Sunset Review Act

The Open Government Sunset Review Act[16] (the Act) prescribes a legislative review process for newly created or substantially amended[17] public records or open meetings exemptions, with specified exceptions.[18] It requires the automatic repeal of such exemption on October 2 of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.[19]

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.[20] An exemption serves an identifiable public purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

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[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).
[16] Section 119.15, F.S.
[17] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[18] Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.
[19] Section 119.15(3), F.S.
[20] Section 119.15(6)(b), F.S.

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;[21]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[22] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[23]

The Act also requires specified questions to be considered during the review process.[24] In examining an exemption, the Act directs the Legislature to carefully 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 required.[25] If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.[26]

Public Record Exemption Related to Financial Technology Sandbox

The Financial Technology Sandbox is intended to allow financial technology innovators to test innovative financial products or services in a supervised, flexible regulatory sandbox, using waivers of specified general law and corresponding rule requirements under defined conditions.[27]

The Financial Technology Sandbox makes confidential and exempt from public inspection and copying the following records relating to the Financial Technology Sandbox applications because they contain proprietary business information:[28]

- The reasons why any of the following general law or rule requirements for which a waiver is sought prevent the innovative financial product or service from being made available to consumers, including requirements regarding:

[21] Section 119.15(6)(b)1., F.S.
[22] Section 119.15(6)(b)2., F.S.
[23] Section 119.15(6)(b)3., F.S.
[24] 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?

[25] FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S.
[26] Section 119.15(7), F.S.
[27] Section 559.952, F.S.
[28] Section 559.952(5)(h)1., F.S.

- An application for consumer finance lender license,[29] except specified requirements such as certain fees and the OFR's authority to investigate the applicant's background.[30]
- A license for consumer finance lender,[31] except that the OFR must investigate the applicant's background.[32]
- An examination or investigation of a money services business[33] only to the extent that the OFR is required to examine a licensee once every 5 years.[34]
- Reports by a money services business.[35]
- A license to engage in the business of a money transmitter or payment instrument seller during the sandbox period.[36]
- Providing each customer with contact information for the money services business and displaying a license at specified locations.[37]
- Certain license application provisions for a money services business.[38]
- A license renewal for a money services business[39] except that the OFR may prorate renewal fees in certain circumstances.[40]
- Fees for a money services business[41] only to the extent that they are prorated for renewal fees as provided above.[42]
- A license for a payment instrument seller or money transmitter[43] only to the extent that the requirement prohibits a licensee from engaging in, or advertising that it engages in, the activity of a payment instrument seller or money transmitter during the sandbox period.[44]
- A license provision providing a sample form of payment instrument, if applicable.[45]
- The authority for a money transmitter to charge a different price for a money transmitter service based on the mode of transmission provided the price charged for using a credit card is not more than the price charged when the service is paid with currency or other similar means accepted within the same mode of transmission.[46]
- A licensed payment instrument seller and money transmitter to have a specified net worth, provide a corporate surety bond, or maintain collateral deposit in lieu of bond[47] to the extent that the OFR may lower such amounts to be commensurate with certain

[29] Section 516.03(1), F.S.
[30] Section 559.952(5)(h)1.a., F.S.
[31] Section 516.05(1) and (2), F.S.
[32] Section 559.952(5)(h)1.a., F.S.
[33] Section 560.109, F.S.
[34] Section 559.952(5)(h)1.a., F.S.
[35] Sections 559.952(5)(h)1.a. and 560.118, F.S.
[36] Sections 559.952(5)(h)1.a. and 560.125(1), F.S.
[37] Sections 559.952(5)(h)1.a. and 560.128, F.S.
[38] Sections 559.952(5)(h)1.a. and 560.141, F.S.
[39] Section 560.142(1) and (2), F.S.
[40] Section 559.952(5)(h)1.a., F.S.
[41] Section 560.143(2), F.S.
[42] Section 559.952(5)(h)1.a., F.S.
[43] Section 560.204, F.S.
[44] Section 559.952(5)(h)1.a., F.S.
[45] Section 559.952(5)(h)1.a. and 560.205(2), F.S.
[46] Sections 559.952(5)(h)1.a. and 560.208(2), F.S.
[47] Section 560.209, F.S.

factors[48] and the maximum number of consumers authorized to receive the financial product or service.[49]

- Specified information that the OFR must consider in deciding whether to approve or deny an application for the Financial Technology Sandbox[50] regarding the nature of the innovative financial product or service and the applicant's business plan;[51] and
- Information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service.[52]

This information may be released to appropriate state and federal agencies for the purposes of investigation.[53]

III. Effect of Proposed Changes:

Section 1 amends s. 559.952(5)(h)1., F.S., to remove the scheduled repeal date of the public record exemption for information held by the OFR relating to a Financial Technology Sandbox application.

The OFR reports that 14 Financial Technology Sandbox applications have been received but none of them have been approved. The OFR states "Applicants either withdrew their application or the application was abandoned for failing to respond to requests for information."[54]

Section 2 provides that the bill is effective October 1, 2025.

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

[48] Section 559.952(5)(c), F.S. (providing certain factors that the OFR must consider when deciding whether to approve or deny an application, such as the nature of the innovative financial product, the potential risk to consumers and methods that will be used to protect them, the business plan, and whether the applicant has the necessary personnel with adequate expertise).
[49] Section 559.952(5)(h)1.a., F.S.
[50] Section 559.952(5)(h)1.b., F.S.
[51] Section 559.952(5)(c)1. and 3., F.S.
[52] Section 559.952(5)(c)4. and (h)1.c., F.S.
[53] *Id.*
[54] The OFR, *OGSR Questionnaire*, p. 2 (July 26, 2024) (on file with the Senate Committee on Banking and Insurance).

public records disclosure requirements. This bill continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an 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 and public meetings exemption without expansion. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law. The bill provides the specific information that would be made exempt to prevent the unintentional release of information that may injure the financial technology innovator applying for a license under the Financial Technology Sandbox by providing competitors with confidential business information.

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 redactions of exempt records in response to a public records request.

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 identified

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill amends section 559.952 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.

By the Committee on Banking and Insurance

597-02099-25 20257008__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 559.952, F.S., which provides for an exemption from public records requirements for certain records provided to and held by the Office of Financial Regulation relating to the Financial Technology Sandbox; deleting the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (h) of subsection (5) of section 559.952, Florida Statutes, is amended to read:

559.952 Financial Technology Sandbox.—

(5) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS FOR APPROVAL.—

(h)~~1.~~ The following information provided to and held by the office in a Financial Technology Sandbox application under this subsection is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1.~~a.~~ The reasons why a general law enumerated in paragraph (4)(a) prevents the innovative financial product or service from being made available to consumers.

2.~~b.~~ The information provided for evaluation of the factors specified in subparagraphs (c)1. and 3.

3.~~c.~~ The information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service, under subparagraph (c)4.

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

597-02099-25 20257008__

However, the confidential and exempt information may be released to appropriate state and federal agencies for the purposes of investigation. Nothing in this paragraph shall be construed to prevent the office from disclosing a summary of the innovative financial product or service.

~~2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

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

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 7010
INTRODUCER:	Governmental Oversight and Accountability Committee and Banking and Insurance Committee
SUBJECT:	OGSR/Department of Financial Services
DATE:	April 7, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Thomas	Knudson		**BI Submitted as Comm. Bill/Fav**
1.	McVaney	McVaney	GO	**Fav/CS**
2.	Thomas	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7010 narrows the information held by the Department of Financial Services acting as receiver for an insolvent insurer that will continue to be confidential and exempt from public records copying and inspection requirements. The information that will continue to be confidential and exempt only includes consumer information, certain personnel information, and information received from the National Association of Insurance Commissioners and other governmental entities.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2025, unless reenacted by the Legislature. This bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the current confidential and exempt status of the information.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Public Records Law

The Florida 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 who acts on behalf of the government.[2]

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.[3] Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.[4] The Public Records Act states that:

> It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[5]

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted. Section 119.011(12), F.S., defines "public records" to include:

> all 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.[6]

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."[7]

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 government public record at any reasonable time, under reasonable conditions, and under

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[1] FLA. CONST., art. I, s. 24(a).
[2] *Id*.
[3] The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.
[4] Public records laws are found throughout the Florida Statutes.
[5] Section 119.01(1), F.S.
[6] Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
[7] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).

supervision by the custodian of the public record.[8] A violation of the Public Records Act may result in civil or criminal liability.[9]

The Public Records Act contains general exemptions that apply across agencies. Agency or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program. Only the Legislature may create an exemption to public records requirements.[10] An exemption must be created by general law and must specifically state the public necessity which justifies the exemption.[11] Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill that enacts an exemption may not contain other substantive provisions[12] and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.[13]

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*.[14] 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.[15] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[16]

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,[17] with specified exceptions.[18] 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.[19] 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.[20] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the

[8] Section 119.07(1)(a), F.S.
[9] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[10] FLA. CONST., art. I, s. 24(c).
[11] *Id.*
[12] The bill may, however, contain multiple exemptions that relate to one subject.
[13] FLA. CONST., art. I, s. 24(c).
[14] *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[15] *Id.*
[16] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[17] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[18] 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.
[19] Section 119.15(3), F.S.
[20] 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 subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;[21]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[22] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[23]

The Act requires specified questions to be considered during the review process.[24] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption. If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.[25] 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.[26]

Public Record Exemption Related to Records of Insolvent Insurers

Along with the Department of Financial Services (DFS), the Office of Insurance Regulation (OIR) is tasked with enforcing the provisions of the Florida Insurance Code, chs. 624-632, 634-636, 641-642, 648 and 651, F.S.[27] OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each authorized insurer.[28] In the event that the OIR determines that one or more grounds[29] for the initiation of delinquency proceedings against an insurer exist,

[21] Section 119.15(6)(b)1., F.S.
[22] Section 119.15(6)(b)2., F.S.
[23] Section 119.15(6)(b)3., F.S.
[24] Section 119.15(6)(a), F.S. The specific 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?

[25] FLA. CONST. art. I, s. 24(c).
[26] Section 119.15(7), F.S.
[27] *See* Sections 624.307(1) and 624.01, F.S.
[28] Section 624.316(1)(a), F.S.
[29] Grounds for rehabilitation generally include, but are not limited to, impairment, insolvency, failure to comply with OIR orders or to submit records for examination, and other violations of law. *See* Section 631.051, F.S. Grounds for liquidation include imminent or actual insolvency, an attempt or actually commencement of voluntary liquidation or dissolution, and a failure to timely complete organization and obtain a certificate of authority. Section 631.061, F.S. The DFS may also apply to the circuit court for an order appointing it as ancillary receiver of, and directing it to liquidate the business and assets of, a foreign insurer which has assets, business, or claims in this state upon the appointment in the domiciliary state of such insurer

such as insolvency,[30] the Insurers Rehabilitation and Liquidation Act[31] requires the Director of the OIR to notify the DFS of that determination, and to provide the DFS with all necessary documentation and evidence, thereby enabling the DFS to initiate the delinquency proceeding.[32] This documentation and evidence may include confidential and sensitive information. Upon such notice, the DFS is tasked with initiating delinquency proceedings pursuant to ch. 631, F.S., which constitute the sole and exclusive method of liquidating, rehabilitating, reorganizing, or conserving an insurer.[33]

The nature of the DFS's statutory duties regarding delinquency proceedings require the DFS to assume custodianship of insurer records. When the DFS is appointed as receiver of an insurer during the course of a delinquency proceeding, Florida Statutes expressly vest the DFS with the title to all of the property of the insurer, including all of the books and records, wherever located.[34] Similarly, orders to rehabilitate or liquidate a domestic insurer must direct the DFS to take possession of the property of the insurer.[35] Orders to liquidate the business of a United States branch of an alien insurer having trusteed assets in this state shall be on the same terms as those prescribed for domestic insurers, but the DFS only takes possession of the assets within that branch.[36] Orders to conserve the assets of a foreign or alien insurer likewise must require the DFS to take possession of the property of the insurer within this state.[37]

Section 631.195(2), F.S., provides that the following records of an insurer which are made or received by the DFS, acting as receiver for an insolvent insurer, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- All personal financial and health information of a consumer.
- Underwriting files of a type customarily maintained by an insurer transacting lines of insurance similar to those lines transacted by the insurer.
- Personnel and payroll records of the insurer.
- Consumer claim files.
- An own-risk and solvency assessment (ORSA) summary report, a substantially similar ORSA summary report, and supporting documents submitted to the OIR pursuant to s. 628.8015, F.S.

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of a receiver, liquidator, conservator, rehabilitator, or other officer by whatever name called for the purpose of liquidating the business of such insurer. Section 631.091, F.S. Grounds for conservation of foreign insurers include the same as those for rehabilitation and liquidation, or when the insurer's property has been sequestrated in its domiciliary sovereignty or in any other sovereignty. Section 631.071, F.S. Grounds for the conservation of alien insurers are the same but additionally include an insurer's failures to timely comply with an OIR order to make good an impairment of trusteed funds. Section 631.081, F.S.

[30] "Insolvency" means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. Section 631.011(14), F.S. Depending on the context, insolvency also includes and is defined as "impairment of surplus" and "impairment of capital" as defined in s. 631.011(13) and (12), F.S., respectively.

[31] Part I of Chapter 631, F.S.

[32] Section 631.031(1), F.S.

[33] Section 631.021(3), F.S.

[34] *See* s. 631.141(1)-(2), F.S.

[35] *See ss.* 631.101 and 631.111, F.S., respectively.

[36] Section 631.121, F.S.

[37] Section 631.131(1), F.S.

- A corporate governance annual disclosure and supporting documents submitted to the OIR pursuant to s. 628.8015, F.S.
- Information received from the National Association of Insurance Commissioners (NAIC), a governmental entity in this or another state, the Federal Government, or a government of another nation which is confidential or exempt if held by that entity and which is held by the DFS for use in the performance of its duties relating to insurer solvency.

There are limited circumstances under which the DFS may disclose this confidential and exempt information, including:

- To any state or federal agency, upon written request, if disclosure is necessary for the receiving entity to perform its duties and responsibilities.
- To comply with a properly authorized civil, criminal, or regulatory investigation or a subpoena or summons by a federal, state, or local authority.
- To the NAIC and its affiliates and subsidiaries, if the recipient agrees in writing to maintain the confidential and exempt status of the records.
- To the guaranty associations and funds of the various states which are receiving, adjudicating, and paying claims of the insolvent insurer subject to delinquency proceedings pursuant to this chapter.
- Upon written request, to persons identified as designated employees as described in s. 626.989(4)(d), whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts
- In the case of personal financial and health information of a consumer, upon written request of the consumer or the consumer's legally authorized representative.[38]

Consumer Personal Financial and Health Information

Insurance companies routinely possess records of policyholders and claimants during the normal course of business which include personal, private financial and medical information. Such information held by solvent insurers is not freely available to any person or entity. If such records are made available, it is usually through confidentiality agreements or court orders, and with reference to certain state and federal privileges and confidentiality laws and regulations. The Legislature often enacts public records exemptions to restrict disclosure of private financial and medical information, an example of which is found in s. 624.23, F.S., which makes confidential and exempt the personal financial and health information held by the DFS or the OIR relating to a consumer's complaint or inquiry regarding a matter or activity regulated under the Florida Insurance Code or s. 440.191, F.S.

ORSA Summary Reports and Corporate Governance Annual Disclosures

Section 624.4212(3)(a)-(b), F.S., provides that, except for information obtained by the OIR that would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from the disclosure requirements of s. 119.07(1), F.S. and s. 24(a), Art. I of the State Constitution:

- *ORSA Reports.* Own-Risk and Solvency Assessments (ORSA) are internal assessments conducted by insurers and insurance groups of the material and relevant risks associated with

[38] Section 631.195(4)(a)-(f), F.S.

their business plan and the sufficiency of their capital resources to support those risks.[39] An ORSA Summary Report is a high-level ORSA summary of an insurer or insurance group, consisting of a single report or combination of reports.[40] Insurers are required to conduct an ORSA at least annually.[41] Unless an insurer or insurance group is exempted from this requirement or compliance is otherwise waived, insurers must submit an ORSA summary report to the OIR once every calendar year.[42]

- *Corporate Governance Annual Disclosures.* Corporate governance annual disclosures are reports filed with the OIR by insurers and insurance groups which describe the corporate governance framework and structure of the insurer or insurance group, the policies and practices for directing senior management and of the most senior governing entity and its significant committees, and the processes by which the board, its committees, and senior management ensure the appropriate amount of oversight to critical risk areas that impact the insurer's business activities.[43] Insurers, or insurer members of an insurance group of which the OIR is the lead state regulator, must submit corporate governance annual disclosure to the OIR annually.[44]

III. Effect of Proposed Changes:

The Open Government Sunset Review Act requires the Legislature to review each public record and public meeting exemption 5 years after enactment. The affected exemptions are scheduled for repeal on October 2, 2025. The bill removes the scheduled repeal to continue the exempt status.

Section 1 amends s. 631.195(5), F.S., to narrow the information held by the Department of Financial Services acting as receiver for an insolvent insurer that will continue to be confidential and exempt from public records copying and inspection requirements. The information that will continue to be confidential and exempt only includes consumer information, certain personnel information, and information received from the National Association of Insurance Commissioners and other governmental entities. The bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the confidential and exempt status of the enumerated information.

Records that will no longer be confidential and exempt under the bill include an own-risk and solvency assessment (ORSA) summary report, a substantially similar ORSA summary report, and supporting documents submitted to the Office of Insurance Regulation pursuant to s. 628.8015, F.S., and any corporate governance annual disclosure and supporting documents submitted to the Office pursuant to s. 628.8015, F.S.

Section 2 provides that the bill is effective October 1, 2025.

[39] Section 628.8015(1)(d), F.S.
[40] Section 628.8015(1)(f), F.S.
[41] Section 628.8015(2)(b), F.S.
[42] Section 628.8015(2)(c)1.a.(I), F.S. *See* Section 628.8015(2)(d), F.S., for exemptions, and s. 628.8015(2)(e), F.S., for waiver requirements.
[43] Section 628.8015(1)(a) and (3)(c)4.a.-d., F.S.
[44] Section 628.8015(3)(b)1.a.-c., F.S.

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 requirements. This bill continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an 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 requirements to state with specificity the public necessity justifying the exemption. This bill narrows a current public records exemption. Thus, a statement of public necessity is not required.

Breadth of Exemption

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 bill codifying the exemption originally stated that the specific information originally made exempt was intended to prevent the unintentional release of information that may subject persons to identity theft, financial harm, or other adverse impacts, as well as, information of a confidential nature concerning entities, such as trade or business secrets. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law.

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:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

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 the following section of the Florida Statutes: 631.195.

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 Governmental Oversight and Accountability on April 1, 2025:
The committee substitute narrows the public record exemption for certain records received by the Department of Financial Services while acting as a receiver of insolvent insurers to apply only to consumer information, certain personnel information, and information received from the National Association of Insurance Commissioners or a government entity.

B. Amendments:

None.

By the Committees on Governmental Oversight and Accountability; and Banking and Insurance

585-03134-25 20257010c1

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 631.195, F.S., which provides an exemption from public records requirements for certain records made or received by the Department of Financial Services acting as receiver pursuant to specified provisions; revising the list of records that are exempt from public records requirements; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 631.195, Florida Statutes, is amended to read:

631.195 Records of insurers; public records exemptions.—

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

(a) "Consumer" means a prospective purchaser of, a purchaser of, a beneficiary of, or an applicant for any insurance product or service. The term also includes a family member or dependent of such person.

(b) "Personal financial and health information" means:

1. A consumer's personal health condition, disease, or injury;

2. A history of a consumer's personal medical diagnosis or treatment;

3. The existence, nature, source, or amount of a consumer's personal income or expenses;

4. Records of, or relating to, a consumer's personal

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financial transactions of any kind;

5. The existence, identification, nature, or value of a consumer's assets, liabilities, or net worth;

6. The existence or content of, or any individual coverage or status under a consumer's beneficial interest in, any insurance policy or annuity contract; or

7. The existence, identification, nature, or value of a consumer's interest in any insurance policy, annuity contract, or trust.

(2) The following records, in whatever form, of an insurer which are made or received by the department, acting as receiver pursuant to this chapter, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) All personal financial and health information of a consumer.

~~(b) Underwriting files of a type customarily maintained by an insurer transacting lines of insurance similar to those lines transacted by the insurer.~~

(b)~~(c)~~ Personnel and payroll records of the insurer, except for the names, benefits, and compensation of executive officers.

(c)~~(d)~~ Consumer claim files.

~~(e) An own-risk and solvency assessment (ORSA) summary report, a substantially similar ORSA summary report, and supporting documents submitted to the office pursuant to s. 628.8015.~~

~~(f) A corporate governance annual disclosure and supporting documents submitted to the office pursuant to s. 628.8015.~~

(d)~~(g)~~ Information received from the National Association of Insurance Commissioners, a governmental entity in this or

another state, the Federal Government, or a government of another nation which is confidential or exempt if held by that entity and which is held by the department for use in the performance of its duties relating to insurer solvency.

(3) The exemptions in subsection (2) apply to records held by the department before, on, and after July 1, 2020.

(4) Records or portions of records made confidential and exempt by this section may be released under any of the following circumstances:

(a) To any state or federal agency, upon written request, if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving agency shall maintain the confidential and exempt status of such record or portion of such record.

(b) To comply with a properly authorized civil, criminal, or regulatory investigation or a subpoena or summons by a federal, state, or local authority.

(c) To the National Association of Insurance Commissioners and its affiliates and subsidiaries, if the recipient agrees in writing to maintain the confidential and exempt status of the records.

(d) To the guaranty associations and funds of the various states which are receiving, adjudicating, and paying claims of the insolvent insurer subject to delinquency proceedings pursuant to this chapter. The receiving guaranty association shall maintain the confidential and exempt status of such record or portion of such record.

(e) Upon written request, to persons identified as designated employees as described in s. 626.989(4)(d), whose

responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts.

(f) In the case of personal financial and health information of a consumer, upon written request of the consumer or the consumer's legally authorized representative.

~~(5) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 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:	SB 7018
INTRODUCER:	Health Policy Committee and Senator Harrell
SUBJECT:	OGSR/Parental Consent Requirements Before Terminating a Pregnancy
DATE:	April 7, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Davis	Brown		**HP Submitted as Comm. Bill/Fav**
1.	McVaney	McVaney	GO	**Favorable**
2.	Davis	Yeatman	RC	**Favorable**

I. Summary:

SB 7018 saves an existing public record exemption from repeal under the Open Government Sunset Review Act. The exemption protects certain information that can be used to identify a minor who is petitioning for a judicial waiver of parental consent under the Parental Notice of and Consent for Abortion Act.

The exemption protects from disclosure any identifying information held by a circuit or appellate court, the Office of Criminal Conflict and Civil Regional Counsel, or the Justice Administrative Commission. These entities may obtain the information when the minor seeks a judicial waiver from a court, when the Office of Criminal Conflict and Civil Regional Counsel represents the minor in a court proceeding, or when the Justice Administrative Commission processes payments for a court-appointed private attorney who represents the minor.

The Open Government Sunset Review Act requires the Legislature to review each public record five years after enactment. The exemption is scheduled for repeal on October 2, 2025. The bill removes the scheduled repeal date to continue the confidential and exempt status.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Public Records Law

Background

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]

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.[3] The Public Records Act states that:

> [i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[4]

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

Legislative and Judicial Records

The Public Records Act does not apply to legislative or judicial records.[5] 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.

"Public Records" Defined

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 intended to "perpetuate, communicate, or formalize knowledge of some type."[6]

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[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] Public records laws are found throughout the Florida Statutes.
[4] Section 119.01(1), F.S.
[5] *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).
[6] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).

Access

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]

The Legislature's Exclusive Authority to Create an Exemption

Only the Legislature may create an exemption from 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 provisions[11] and the bill must pass by a two-thirds vote of the members present and voting in each house of the Legislature.[12]

"Exempt" or "Confidential and Exempt"

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 that 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]

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,[16] with specified exceptions.[17] The Act requires the repeal of the 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

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[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).
[16] 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.
[17] 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.

date.[18] 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.[19] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the 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;[20]
- 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;[21] or
- It protects trade or business secrets.[22]

The Act also requires specified questions to be considered during the review process.[23] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is *expanded*, then a public necessity statement and a two-thirds vote for passage are again required.[24] 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.[25]

Parental Notice of and Consent for Abortion Act

In 2020, the Legislature amended The Parental Notice of Abortion Act to also require parental *consent* for a physician to perform or induce an abortion on a minor.[26] Unless certain exceptions apply,[27] the statute now prohibits a physician from performing or inducing an abortion on a

[18] Section 119.15(3), F.S.
[19] Section 119.15(6)(b), F.S.
[20] Section 119.15(6)(b)1., F.S.
[21] Section 119.15(6)(b)2., F.S.
[22] Section 119.15(6)(b)3., F.S.
[23] 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?

[24] FLA. CONST. art. I, s. 24(c).
[25] Section 119.15(7), F.S.
[26] Section 390.01114, F.S.; Ch. 2020-147, s. 2.
[27] The requirement for parental consent has several exceptions. It does not apply if: parental notice is not required because a medical emergency exists and notice cannot be accomplished; notice has been waived by a minor who is, or has been

minor unless the physician receives a notarized, written consent statement signed, dated, and initialed on each page by the mother, father, or legal guardian. The consenting parent or guardian must also provide the physician with a copy of a government-issued proof of identification. The statute prescribes language that the statement must include, requires documentation that must be maintained in the physician's records, provides exceptions for when the consent requirement does not apply, and specifies a process to obtain a judicial waiver to "bypass" the consent requirement.[28]

Judicial Waiver of Parental Notice and Consent Requirements, or the Judicial Bypass Proceeding

The Parental Notice of and Consent for Abortion Act authorizes a minor to petition a circuit court where she resides for a waiver of the parental notice and consent requirements. To initiate the process, a minor may file the petition under a pseudonym or by using initials, as provided by court rule. The petition must contain a statement that the petitioner is pregnant and that the notice and consent requirements of the law have not been waived. The court must advise the petitioner that she has a right to court-appointed counsel and if she requests counsel, it will be provided to her at no cost.[29]

Once a petition is filed, the court must rule and issue written findings of fact and conclusions of law within three business days after the petition is filed. This time period may be extended at the request of the minor.[30]

If the circuit court determines, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court must issue an order authorizing the minor to consent to the abortion.[31] If the court finds that the minor does not possess the requisite maturity to make that determination, it must dismiss the petition.[32] If the court determines by a preponderance of the evidence that the minor is a victim of child abuse or sexual abuse inflicted by her parent or guardian, or if the court determines by clear and convincing evidence that the notification or consent requirement of a parent or guardian is not in her best interest, the court must issue an order authorizing the minor to consent to the performance or inducement of a termination of the pregnancy.[33]

married, or has had the disability of nonage removed; or notice is waived because the patient has a minor child dependent on her. Parental consent is not required if notice is not required because the minor's parent or legal guardian has waived the right to receive notice and waived the right to consent in a signed and notarized statement. The consent requirement also does not apply if the physician certifies that a medical emergency exists and there is not enough time to obtain consent. Finally, consent is not required if the minor has obtained a judicial waiver from the circuit court. See s. 390.01114(5)(b), F.S. for the full text of the statute.

[28] Section 390.01114(5) and (6), F.S.
[29] Section 390.01114(6)(a), F.S.
[30] Section 390.01114(6)(b)1., F.S.
[31] Section 390.01114(6)(c), F.S.
[32] *Id*.
[33] Section 390.01114(6)(d), F.S.

Roles of the Office of Criminal Conflict and Civil Regional Counsel and the Justice Administrative Commission

The Office of Criminal Conflict and Civil Regional Counsel

The Legislature created the Office of Criminal Conflict and Civil Regional Counsel in 2007 to represent people entitled to court-appointed counsel.[34] When a minor initiates a judicial bypass proceeding in the circuit court, a private court-appointed attorney is available to represent her upon request.[35] The statute is clear that private court-appointed counsel approved for this type of work is to be used first for minors who request counsel, but if no attorney is available through the clerk's list of attorneys, then the Office of Criminal Conflict and Civil Regional Counsel in that area will supply an attorney for the proceedings.[36] Any record that could identify a minor while in an office's possession is exempt from public disclosure requirements.

The Justice Administrative Commission

The Justice Administrative Commission is a state agency that was created in 1965 to provide administrative services for judicial-related offices.[37] One of the Commission's roles is to process the invoices for the attorneys who volunteer for the judicial bypass cases. Similarly, any record that could identify a minor in the Commission's possession is exempt from public disclosure requirements.

According to the Justice Administrative Commission's staff, any invoice it receives from a private attorney does not contain the full name of the minor. The Commission asks the attorneys to use only the minor's initials when submitting an invoice. Once an invoice is received, the name "Jane Doe" is entered into the system and substituted for the minor's initials. If an attorney mistakenly submits a minor's first name, the staff redacts the name and then locks the redaction so that no one may discover it.

Data Published by the Office of the State Courts Administrator – Annual Number of Petitions Filed for Judicial Bypass Waivers

The Florida Supreme Court, through the Office of the State Courts Administrator, is required to report by February 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives the number of petitions filed for judicial bypass waivers in the previous year for each circuit court. The report must also contain the timing and manner of disposal of the petitions by each circuit.[38] Below is a statewide summary of the number of petitions filed in the past five years.[39]

[34] Ch. 2007-62, s. 1, Laws of Fla.
[35] The chief judge of the circuit maintains a list of qualified attorneys in private practice, by county and by category of cases, and provides the list to the clerk of court in each county. Section 27.40(3)(a), F.S.
[36] Section 27.511(6)(a), F.S.
[37] See https://www.justiceadmin.org/.
[38] Section 390.01114(8), F.S.
[39] Florida Office of the State Court Administrator, *Fiscal Years 2020-2024, Parental Notice of and Consent for Abortion Act, Petitions Filed and Disposed By Circuit and County, January through December* (on file with the Senate Committee on Health Policy).

Year	Total Petitions Filed
2024	130
2023	170
2022	228
2021	216
2020	195
Total	**939**

Professional Staff's Open Government Sunset Review

During the summer and fall of 2025, Senate committee staff, working with staff from the House of Representatives, conducted an Open Government Sunset Review as required by statute. Staff surveyed the state county clerks of court, the Office of Criminal Conflict and Civil Regional Counsel, and the Justice Administrative Commission to determine whether they supported continuing the public record exemption for minors seeking a judicial bypass.

Data Reported from the County Clerks of Court for Judicial Bypass Waivers

The 67 county clerks of court were surveyed to determine:

- The number of petitions that had been filed between January 2020 and November 2024, seeking a judicial waiver of parental notice and consent for termination of a pregnancy.
- The number of times the clerk's office had received a public records request for the minor's identifying information.
- Whether the office believed this information should be available to the public.
- Whether the office believed the exemption should be reenacted, repealed, or modified in some form.

Of the 67 clerk offices that received surveys, 53 offices responded for a response rate of 79 percent.

Number of Petitions Filed Seeking a Judicial Waiver from January 2020 – November 2024

The 53 clerk's offices reported that they had received a combined total of 726 petitions for judicial waiver.[40]

Number of Public Records Requests Received from January 2020 – November 2024

Only one office reported a request for identifying information in the five-year span.

Whether the Minor's Identifying Information Should Be Made Available to the Public

- No – 47
- Yes, because the information should be available to the minor's parents – 1
- Only if a criminal subpoena is involved – 1

[40] The difference between the number of petitions reported by the Office of the State Courts Administrator, 939, and the number reported by the county clerks, 726, for a discrepancy of 213 petitions, could be explained by the fact that 14 county clerks did not respond to the survey.

- Did not answer the question – 4

Whether the Exemption Should be Reenacted, Repealed, or Modified

These responses varied but the majority responded that the exemption should be reenacted as it is currently written. The responses were:

- Reenact the exemption as it is currently written – 41
- Repeal the exemption because parents have a right to know – 2
- Reenact the exemption with changes because the minor's parents should know – 3
- Did not answer the question – 7

Data Reported from the Office of Criminal Conflict and Civil Regional Counsel and Justice Administrative Commission

Office of Criminal Conflict and Civil Regional Counsel

Surveys were sent to the five regional offices, and four offices responded. The offices reported handling a total of 64 petitions from January 2020 through November 2024.

Three offices recommended reenacting the exemption as it currently exists, and one office recommended reenacting the exemption with changes.

Justice Administrative Commission

Because the Justice Administrative Commission serves in an administrative capacity to process the invoices for the attorneys who volunteer for the judicial bypass hearings, the Commission has no direct involvement with these minors. As such, the Commission did not register an opinion on whether the exemption should be repealed, reenacted as is, or reenacted with changes.

Committee Open Government Sunset Review Recommendation

Based upon a review of this public record exemption under the Open Government Sunset Review Act and information received from the clerks of county court, Offices of Criminal Conflict and Civil Regional Counsel, and the Justice Administrative Commission, committee staff recommends that the Legislature retain the public records exemption established in s. 390.01118, F.S. The clerks and volunteer attorneys support continuing the exemption to protect the privacy of the minor seeking to bypass the parental notification and consent requirements.

III. Effect of Proposed Changes:

SB 7018 continues a public records exemption that was created in 2020 which will otherwise be repealed on October 2, 2025. The exemption protects from disclosure any identifying information of a minor seeking a judicial bypass under the Parental Notice of and Consent for Abortion Act if the information is held by a circuit or appellate court, an Office of Criminal Conflict and Civil Regional Counsel, or by the Justice Administrative Commission.

Section 1 amends s. 390.01118, F.S., to remove the scheduled repeal of the public records exemption for identifying information held by the circuit and appellate courts, the Offices of Criminal Conflict and Civil Regional Counsel, or the Justice Administrative Commission.

Section 2 provides that the bill takes effect on October 1, 2025.

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, or 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 requirements. Because this bill continues a current public records exemption beyond its current date of repeal, it does not require an extraordinary vote for enactment.

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:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

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 s. 390.01118 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.

By the Committee on Health Policy

588-02293-25 20257018__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 390.01118, F.S., relating to an exemption from public records requirements for certain information that could identify a minor petitioning a court to waive parental consent requirements before terminating a pregnancy; deleting the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 390.01118, Florida Statutes, is amended to read:

390.01118 Public records exemptions; minors seeking waiver of consent requirements.—Any information that can be used to identify a minor who is petitioning a circuit court for a judicial waiver, as provided in s. 390.01114, of the consent requirements under the Parental Notice of and Consent for Abortion Act is:

(1) Confidential and exempt from s. 24(a), Art. I of the State Constitution, if held by a circuit court or an appellate court.

(2) Confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if held by the office of criminal conflict and civil regional counsel or the Justice Administrative Commission.

~~This section is subject to the Open Government Sunset Review Act~~

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

588-02293-25 20257018__

~~in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

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

A black and white copy of this document is not official

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STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Tina Descovich

is duly appointed a member of the

Commission on Ethics

for a term beginning on the Twenty-First day of February, A.D., 2025, until the Thirtieth day of June, A.D., 2026 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twentieth day of March, A.D., 2025.

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.
"State of Florida" appears in small letters across the face of this 8½ x 11" document.
The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RON DESANTIS
GOVERNOR

RECEIVED
2025 FEB 27 PM 2:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 21, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 112.321, Florida Statutes:

Ms. Tina Descovich
412 Peregrine Drive
Indialantic, Florida 32903

as a member of the Florida Commission on Ethics, subject to confirmation by the Senate. This appointment is effective February 21, 2025, for a term ending June 30, 2026.

Sincerely,

Ron DeSantis
Governor

RD/gc

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

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DEPARTMENT OF STATE
2025 MAR 17 AM 10:36
DIVISION OF ELECTIONS
TALLAHASSEE FL

STATE OF FLORIDA

County of Brevard

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission on Ethics

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[**NOTE:** If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Tina Descovich

Signature

(Affix Seal Below)

COLETTE D. COOPER
Notary Public-State of Florida
Commission # HH 168917
My Commission Expires
November 05, 2025

Sworn to and subscribed before me by means of X *physical presence*

Or ___ *online notarization this* 14 *day of* March, 20 25.

Signature of Officer Administering Oath or of Notary Public

Colette D Cooper

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known [X] *or Produced Identification* [ ]

Type of Identification Produced ___

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home [■] Office [ ]

412 Peregrine Drive

Street or Post Office Box

Indialantic, FL 32903

City, State, Zip Code

Tina Descovich

Print Name

Tina Descovich

Signature

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR JASON BRODEUR
President Pro Tempore
10th District

COMMITTEES:
Appropriations Committee on Agriculture, Environment, and General Government, *Chair*
Appropriations
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Environment and Natural Resources
Governmental Oversight and Accountability
Rules

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

JOINT COMMITTEES:
Joint Legislative Auditing Committee
Joint Legislative Budget Commission

April 1, 2025

The Honorable Kathleen Passidomo
Chair of the Committee on Rules
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Passidomo,

I respectfully request an excused absence from the Committee on Rules meeting on April 8th, 2025.

Thank you in advance for your consideration of this request.

cc:

Tom Yeatman, Staff Director
Shasta W. Kruse, Deputy Staff Director
Cynthia Futch, Administrative Assistant
Sheri Green, Legislative Aide
Kevin Martinez, Legislative Aide

Sincerely,

Jason Brodeur
State Senator, District 10

REPLY TO:
❒ 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida (407) 333-1802
❒ 416 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412 **Case No.:** - **Type:**
Caption: Senate Rules Committee **Judge:**

Started: 4/8/2025 9:02:51 AM
Ends: 4/8/2025 12:53:59 PM **Length: 03:51:09**

9:02:51 AM Chair Passidomo calls meeting to order
9:02:55 AM Roll call
9:02:58 AM Quorum announced
9:03:42 AM Senator Brodeur is excused
9:03:49 AM Tabs 5-CS/CS/SB 48 and 41- SB 1738 are temporarily postponed
9:04:47 AM Tab 16 SB 658 Waiver or Release of Liens by Senator Truenow
9:04:53 AM Senator Truenow explains the bill
9:05:22 AM Amendment Barcode 275648
9:05:28 AM Senator Truenow explains the amendment
9:05:57 AM Senator Truenow closes
9:06:01 AM Amendment is adopted
9:06:05 AM Senator Davis
9:06:16 AM Senator Truenow
9:07:06 AM Appearance Forms
9:07:12 AM Jeffrey Sharkey, National Electrical Contractors Association, waives
9:07:16 AM Melissa Ramba, Natl. Assn. of Credit Management, waives
9:07:25 AM Chair Passidomo
9:07:34 AM Senator Truenow
9:07:41 AM Roll call
9:08:29 AM CS/SB 658 is reported favorably
9:08:30 AM Tab 19 CS/CS/SB 736 Brownfields by Senator Truenow
9:08:41 AM Senator Truenow explains the bill
9:08:58 AM Appearance Forms
9:09:30 AM Jessica Love, Goldstein Brownfields Group, LLC, waives
9:09:35 AM Colton Madill, Florida Chamber of Commerce, waives
9:09:44 AM Senator Truenow
9:10:03 AM Roll call
9:10:41 AM CS/CS/SB 736 is reported favorably
9:10:43 AM Tab 27 SB 1002 Utility Service Restrictions by Senator Truenow
9:10:56 AM Senator Truenow explains the bill
9:10:58 AM Amendment Barcode 246776
9:11:18 AM Senator Truenow
9:11:44 AM Appearance Forms
9:11:50 AM Dale Calhoun, Florida Natural Gas Association, Florida Propane Gas Association, waives
9:12:00 AM Senator Truenow
9:12:15 AM Amendment is adopted
9:12:28 AM Back on the Bill
9:12:32 AM Appearance Forms
9:12:37 AM Dale Calhoun, Florida Natural Gas Association, Florida Propane Gas Association, waives
9:12:41 AM Samantha Kaddis, The CLEO Institute, speaks
9:14:57 AM Roll call
9:15:36 AM CS/SB 1002 is reported favorably
9:15:41 AM Tab 28 CS/CS/SB 1132 Consumers' Right to Repair Certain Equipment
9:15:54 AM Senator Truenow explains the bill
9:16:12 AM Questions
9:16:14 AM Senator Osgood
9:16:18 AM Senator Truenow
9:16:47 AM Senator Pizzo
9:16:51 AM Senator Truenow
9:17:06 AM Appearance Forms
9:17:14 AM Jackie Fleetwood speaks
9:21:04 AM Turner Loesel speaks

9:23:09 AM Mike Blank speaks
9:25:43 AM Katie Kelly, Technet, waives
9:25:48 AM Senator Pizzo
9:26:23 AM Senator Bradley
9:27:09 AM Senator Truenow
9:27:56 AM Roll call
9:28:35 AM CS/CS/SB 1132 is reported favorably
9:28:36 AM Tab 32 CS/SB 1378 Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property by Senator Arrington
9:28:56 AM Senator Arrington explains the bill
9:29:44 AM Roll call
9:30:25 AM CS/SB 1378 is reported favorably
9:30:31 AM Tab 20 CS/CS/SB 768 Controlling Business Interests by Persons with Ties to Foreign Countries of Concern
9:30:50 AM Senator Calatayud explains the bill
9:31:23 AM Appearance Form
9:31:25 AM Ron LaFace, Health Law Section of the FL Bar, waives
9:31:33 AM Senator Calatayud
9:31:39 AM Roll call
9:32:17 AM CS/CS/SB 768 is reported favorably
9:32:24 AM Tab 21 CS/SB 772 Diabetes Management in Schools by Senator Calatayud
9:32:33 AM Senator Calatayud explains the bill
9:32:49 AM Appearance Forms
9:32:53 AM Amanda Fraser, American Diabetes Association, waives
9:32:59 AM Karen Mazzola, FL PTA, waives
9:33:08 AM Senator Calatayud
9:33:11 AM Roll call
9:33:51 AM CS/SB 772 is reported favorably
9:33:56 AM Tab 33 CS/SB 1400 Removal of Altered Sexual Depictions Posted Without Consent by Senator Calatayud
9:34:08 AM Senator Calatayud explains the bill
9:35:57 AM Senator Calatayud
9:36:10 AM Roll call
9:36:47 AM CS/SB 1400 is reported favorably
9:36:51 AM Tab 39 SB 1696 Prearranged Transportation Services by Senator Calatayud
9:37:02 AM Senator Calatayud explains the bill
9:37:16 AM Amendment Barcode 430890
9:37:25 AM Senator Calatayud
9:37:49 AM Amendment is adopted
9:37:57 AM Back on the Bill
9:38:01 AM Appearance Forms
9:38:05 AM Ron Pierce, PSTA, waives
9:38:12 AM Eric Reed, FL Alliance for Assistive Service and Technology, waives
9:38:20 AM Lizzie Pittinger, Uber, waives
9:38:29 AM Senator Calatayud
9:38:37 AM Roll call
9:39:13 AM SB 1696 is reported favorably
9:39:18 AM Tab 40 CS/SB 1730 Affordable Housing by Senator Calatayud
9:39:31 AM Senator Calatayud explains the bill
9:42:06 AM Amendment Barcode 732854
9:42:36 AM Senator Calatayud
9:43:24 AM Amendment is adopted
9:43:28 AM Back on the Bill
9:43:33 AM Senator Hooper
9:43:41 AM Senator Calatayud
9:44:37 AM Senator Hooper
9:44:42 AM Senator Calatayud
9:45:36 AM Senator Rouson
9:45:40 AM Senator Calatayud
9:46:28 AM Senator Harrell
9:46:44 AM Senator Calatayud
9:49:17 AM Senator Harrell

9:49:21 AM Senator Calatayud
9:49:59 AM Senator Gaetz
9:50:05 AM Senator Calatayud
9:51:09 AM Senator Jones
9:51:12 AM Senator Calatayud
9:52:23 AM Senator Jones
9:52:26 AM Senator Calatayud
9:53:29 AM Senator Jones
9:54:29 AM Senator Calatayud
9:54:48 AM Senator Osgood
9:54:52 AM Senator Calatayud
9:56:14 AM Senator Rodriguez
9:56:24 AM Senator Calatayud
9:57:42 AM Senator Rouson
9:57:49 AM Senator Calatayud
9:58:59 AM Appearance Forms
9:59:07 AM Robert Walters, Coral Rock, speaks
10:01:24 AM Senator Pizzo
10:01:43 AM Mr. Walters
10:01:49 AM Senator Pizzo
10:01:52 AM Mr. Walters
10:02:03 AM Kim Dinkins, 1000 Friend of Florida, speaks
10:03:06 AM Jeff Sharkey, Wendover Housing, waives
10:03:09 AM Colton Madill, Florida Chamber of Commerce, waives
10:03:14 AM Kari Hebrank, FL Home Builders Association, waives
10:03:21 AM Senator Pizzo
10:04:29 AM Senator Jones
10:05:42 AM Senator Osgood
10:07:39 AM Senator Rouson
10:07:46 AM Senator Calatayud
10:09:32 AM Roll call
10:10:11 AM CS/CS/SB 1730 is reported favorably
10:10:18 AM Tab 12 CS/SB 576 Service of Process by Senator Leek
10:10:32 AM Senator Leek explains the bill
10:11:24 AM Roll call
10:12:03 AM CS/SB 576 is reported favorably
10:12:08 AM Tab 13 SB 606 Public Lodging and Food Service Establishments by Senator Leek
10:12:11 AM Senator Leek
10:12:18 AM Late-Filed Amendment Barcode 834232 by Senator Pizzo
10:12:37 AM Without objection - introduced
10:12:50 AM Senator Pizzo
10:13:16 AM Appearance Forms
10:13:21 AM Jonathan Webber, SPLC, waives
10:13:26 AM Samantha Padgett, Florida Restaurant & Lodging Association, waives
10:13:31 AM Robert Stuart, Central Florida Hotel & Lodging Association, waives
10:13:42 AM Senator Leek
10:13:50 AM Senator Pizzo
10:14:18 AM Amendment is not adopted
10:15:16 AM Back on the Bill
10:15:19 AM Senator Leek
10:16:13 AM Senator Jones
10:16:32 AM Senator Leek
10:16:45 AM Senator Jones
10:16:54 AM Senator Leek
10:17:26 AM Senator Jones
10:17:34 AM Senator Leek
10:18:10 AM Senator Osgood
10:18:48 AM Senator Leek
10:20:14 AM Senator Osgood
10:20:17 AM Senator Leek
10:20:47 AM Senator Osgood
10:20:58 AM Senator Leek

10:22:23 AM Senator Pizzo
10:22:33 AM Senator Leek
10:23:20 AM Senator Pizzo
10:23:23 AM Senator Leek
10:24:30 AM Senator Berman
10:24:38 AM Senator Leek
10:25:27 AM Senator Berman
10:25:32 AM Senator Leek
10:25:51 AM Appearance Forms
10:25:53 AM Samantha Padgett, Florida Restaurant and Lodging Association, waives
10:26:01 AM Jonathan Webber, SPLC, speaks
10:27:55 AM Ethan Perry, Florida Realtors Association, waives
10:28:04 AM Senator Pizzo
10:29:13 AM Senator Jones
10:31:13 AM Senator Osgood
10:33:27 AM Senator Leek
10:34:53 AM Roll call
10:35:32 AM SB 606 is reported favorably
10:35:35 AM Tab 29 CS/SB 1164 Electronic Delivery of Notices Between Landlords and Tenants by Senator Leek
10:35:48 AM Senator Leek explains the bill
10:36:06 AM Appearance Forms
10:36:38 AM Jonathan Webber, SPLC, speaks
10:37:17 AM Jackson Oberlink, Florida Rising, speaks
10:38:41 AM J.P. Bell, Florida Realtors Association, waives
10:38:47 AM Kelly Mallette, Florida Apartment Association, waives
10:38:54 AM Debate
10:38:56 AM Senator Jones
10:39:16 AM Senator Leek
10:39:41 AM Roll call
10:40:21 AM CS/SB 1164 is reported favorably
10:40:27 AM Tab 31 SB 1374 School District Reporting Requirements by Senator Yarborough
10:40:37 AM Senator Yarborough explains the bill
10:40:43 AM Late-filed Amendment Barcode 976670
10:41:29 AM Without Objection-introduced
10:41:37 AM Senator Yarborough
10:41:48 AM Amendment is adopted
10:41:58 AM Back on the Bill
10:42:03 AM Senator Yarborough
10:42:18 AM Roll call
10:42:56 AM CS/SB 1374 is reported favorably
10:43:01 AM Tab 25 SB 940 Third-party Reservation Platforms by Senator McClain
10:43:12 AM Senator McClain explains the bill
10:43:36 AM Appearance Forms
10:44:03 AM Samantha Padgett, Florida Restaurant & Lodging Assoc., waives
10:44:09 AM Ron Pierce, Booking Holdings, waives
10:44:15 AM Debate
10:44:16 AM Senator Berman
10:44:21 AM Senator McClain
10:44:38 AM Roll call
10:45:13 AM CS/SB 940 is reported favorably
10:45:14 AM Tab 38 SB 1690 Surrendered Infants by Senator McClain
10:45:28 AM Senator McClain explains the bill
10:46:03 AM Appearance Forms
10:46:10 AM Kaylee Jones speaks
10:47:24 AM PG Schafer speaks
10:49:37 AM Pamela Jones speaks
10:50:44 AM Bill Snyder waives
10:50:52 AM Andrew Shirvell, Florida Voice for the Unborn, waives
10:50:54 AM John Labriola, Christian Family Coalition Florida, waives
10:51:05 AM Debate
10:51:07 AM Senator Hooper
10:51:13 AM Senator Bradley

10:51:32 AM Senator Berman
10:51:56 AM Senator Osgood
10:53:45 AM Senator McClain
10:54:55 AM Roll call
10:55:37 AM SB 1690 is reported favorably
10:55:41 AM Tab 34 CS/SB 1430 Postjudgement Execution Proceedings Relating to Terrorism by Senator Collins
10:55:57 AM Senator Collins explains the bill
10:56:55 AM Appearance Forms
10:57:48 AM Christopher Holton, Center for Security Policy, waives
10:57:54 AM Foyt Ralston, Florida Justice Association, waives
10:57:58 AM Andrew Ketchel waives
10:58:06 AM Senator Collins
10:58:09 AM Roll call
10:58:43 AM CS/SB 1430 is reported favorably
10:58:44 AM Tab 24 CS/SB 910 Veterans' Benefits Assistance by Senator Collins
10:58:54 AM Delete-All Amendment Barcode 891766
10:59:18 AM Substitute Amendment Barcode 761416
10:59:25 AM Senator Collins on Substitute Amendment
11:01:52 AM Senator Collins
11:01:59 AM Amendment is adopted
11:02:04 AM Back on the Bill
11:02:19 AM Senator Collins
11:02:21 AM Roll call
11:03:00 AM CS/CS/SB 910 is reported favorably
11:03:06 AM Tab 10 CS/CS/SB 498 Trust Fund Interest for Purposes Approved by the Supreme Court by Senator Grall
11:03:38 AM Senator Grall explains the bill
11:04:46 AM Amendment Barcode 869322
11:05:46 AM Late-filed Substitute Amendment Barcode 690360
11:05:49 AM Without Objection-Introduced
11:05:58 AM Senator Grall
11:06:33 AM Senator Ingoglia
11:06:41 AM Senator Grall
11:06:55 AM Appearance Form
11:06:58 AM Scott Jenkins, Bankers for a Sustainable IOTA Program, waives
11:07:09 AM Senator Grall
11:07:13 AM Amendment is adopted
11:07:22 AM Back on the Bill
11:07:27 AM Senator Rouson
11:07:39 AM Senator Grall
11:08:08 AM Senator Rouson
11:08:11 AM Senator Grall
11:08:21 AM Senator Rouson
11:09:14 AM Senator Grall
11:09:46 AM Senator Berman
11:09:50 AM Senator Grall
11:10:11 AM Senator Berman
11:11:04 AM Senator Grall
11:11:45 AM Senator Berman
11:11:49 AM Senator Grall
11:12:31 AM Senator Berman
11:12:41 AM Senator Grall
11:13:09 AM Senator Davis
11:13:32 AM Senator Grall
11:15:48 AM Senator Davis
11:16:47 AM Senator Grall
11:17:15 AM Senator Gruters
11:17:39 AM Senator Grall
11:18:01 AM Senator Martin
11:18:59 AM Senator Grall
11:19:44 AM Appearance Forms
11:20:05 AM Anthony DiMarco, Florida Bankers Association, speaks

11:21:08 AM Scott Jenkins, Bankers for a Sustainable IOTA Program, speaks
11:23:32 AM Senator Osgood
11:23:37 AM Mr. Jenkins
11:23:44 AM Senator Osgood
11:23:49 AM Mr. Jenkins
11:24:55 AM Jeffrey Sharkey, Climate First Bank, waives
11:25:03 AM Jeffrey Harvey, Community Legal Services/FCLAA, speaks
11:27:28 AM Amanda Fraser, FL Civil Legal Aid Association, waives
11:27:34 AM Bethanie Barber, Legal Aid Society of the O.C.B.A., Inc, speaks
11:30:26 AM Dennis Murphy, Gulfside Bank, speaks
11:33:15 AM Debate
11:33:20 AM Senator Berman
11:34:23 AM Senator Boyd
11:34:28 AM Senator Gaetz
11:36:41 AM Senator Rouson
11:37:45 AM Senator Grall
11:41:10 AM Roll call
11:41:51 AM CS/CS/CS/SB 498 is reported favorably
11:41:53 AM Chair Passidomo
11:42:12 AM Tab 35 CS/SB 1546, Background Screening of Athletic Coaches by Senator Grall
11:42:20 AM Senator Grall explains the bill
11:42:51 AM Amendment Barcode 813550
11:42:58 AM Senator Grall
11:43:19 AM Amendment is adopted
11:43:24 AM Late-filed Amendment Barcode 396786
11:43:28 AM Without Objection
11:43:32 AM Amendment introduced
11:43:37 AM Senator Grall
11:43:47 AM Amendment is adopted
11:43:57 AM Back on the Bill
11:44:02 AM Appearance Form
11:44:06 AM Sean Stafford, Florida Youth Soccer Association, waives
11:44:16 AM Debate
11:44:17 AM Senator Simon
11:45:51 AM Senator Grall
11:45:53 AM Roll Call
11:46:31 AM CS/CS/SB 1546 is reported favorably
11:46:37 AM Tab 36 CS/SB 1640 Public Records/Lethality Assessment Forms by Senator Grall
11:46:47 AM Senator Grall explains the bill
11:47:25 AM Amendment Barcode 616426
11:47:28 AM Senator Grall
11:47:40 AM Amendment is adopted
11:47:43 AM Back on the Bill
11:47:54 AM Senator Grall
11:47:56 AM Roll call
11:48:36 AM CS/CS/SB 1640 is reported favorably
11:48:43 AM Tab 37 CS/SB 1666 Uniform Commercial Code by Senator Grall
11:48:59 AM Senator Grall explains the bill
11:49:00 AM Amendment Barcode 151818
11:49:48 AM Senator Grall
11:49:52 AM Amendment is adopted
11:50:03 AM Amendment Barcode 136974
11:50:10 AM Senator Grall
11:50:15 AM Amendment is adopted
11:50:32 AM Back on the Bill
11:50:36 AM Appearance Form
11:50:41 AM Aimee Diaz Lyon, The Business Law Section of the Florida Bar, waives
11:50:49 AM Senator Grall
11:50:55 AM Roll call
11:51:36 AM CS/CS/SB 1666 is reported favorably
11:51:41 AM Tab 1 SB 8 Relief of Marcus Button by the Pasco County School Board by Senator Simon
11:51:55 AM Senator Simon explains the bill

11:52:41 AM Appearance Form
11:53:05 AM Bryan Ford III waives
11:53:09 AM Jessica Love, District School Board of Pasco County, waives
11:53:18 AM Senator Simon
11:53:21 AM Roll call
11:54:00 AM SB 8 is reported favorably
11:54:01 AM Tab 2 SB 22 Relief of Eric Miles, Jr., and Jennifer Miles by the South Broward Hospital District by Senator Rodriguez
11:54:17 AM Senator Rodriguez explains the bill
11:54:35 AM Amendment Barcode 252714
11:54:38 AM Senator Rodriguez
11:54:57 AM Amendment is adopted
11:55:04 AM Back on the Bill
11:55:07 AM Appearance Form
11:55:14 AM David Allen, South Broward Hospital District, waives
11:55:25 AM Roll call
11:56:04 AM CS/SB 22 is reported favorably
11:56:09 AM Tab 3 CS/SB 28 Relief of Darline Angerville and J.R. by the South Broward Hospital District by Senator Martin
11:56:21 AM Senator Martin explains the bill
11:56:33 AM Appearance Form
11:56:52 AM David Allen, South Broward Hospital District, waives
11:57:04 AM Roll call
11:57:43 AM CS/SB 28 is reported favorably
11:57:48 AM Tab 4 CS/SB 44 Motor Vehicles by Senator Rodriguez
11:57:55 AM Senator Rodriguez explains the bill
11:58:00 AM Late-filed Amendment Barcode 852894
11:58:07 AM Without objection-introduced
11:58:16 AM Senator Rodriguez
11:58:31 AM Amendment is adopted
11:58:42 AM Back on the Bill
11:58:48 AM Appearance Forms
11:58:51 AM William Smith, FL PBA, waives
11:58:53 AM Lauren Jackson, Seminole County Sheriff's Office, waives
11:59:06 AM Roll call
11:59:45 AM CS/CS/SB 44 is reported favorably
11:59:50 AM Tab 5 Tp'd
11:59:58 AM Tab 6 CS/CS/SB 232 Debt Collection by Senator Rodriguez
12:00:07 PM Senator Rodriguez explains the bill
12:00:34 PM Appearance Forms
12:00:39 PM Caitlyn Hatcher, Self Storage Association, waives
12:00:46 PM Scott Jenkins, FL Financial Services Association, waives
12:00:51 PM Josh Burkett, Community Association Managers, waives
12:00:57 PM George Feijoo, JM Family, waives
12:01:13 PM Roll call
12:01:51 PM CS/CS/SB 232 is reported favorably
12:01:57 PM Tab 7 CS/SB 300 Public Records/Appellate Court Clerks and their Spouses and Children by Senator Rouson
12:02:08 PM Senator Rouson explains the bill
12:02:57 PM Appearance Form
12:03:04 PM Judge Clay Roberts, Florida Conference of DCA Judges, waives
12:03:11 PM Roll call
12:03:51 PM CS/SB 300 is reported favorably
12:03:57 PM Tab 8 SB 302 Public Records/Judicial Qualifications Commission by Senator Rouson
12:04:08 PM Senator Rouson explains the bill
12:04:18 PM Appearance Form
12:05:02 PM Sean Burnfin, State Courts System, waives
12:05:12 PM Roll call
12:05:49 PM SB 302 is reported favorably
12:05:57 PM Tab 9 CS/SB 342 Public Records/Agency for Health Care Administration by Senator Harrell
12:06:06 PM Senator Harrell explains the bill
12:06:52 PM Questions

12:06:55 PM Senator Pizzo
12:06:58 PM Senator Harrell
12:07:28 PM Senator Pizzo
12:07:32 PM Senator Harrell
12:07:56 PM Appearance Form
12:07:58 PM Jim Browne, AHCA, waives
12:08:05 PM Senator Pizzo
12:08:16 PM Mr. Browne speaks
12:08:36 PM Senator Pizzo
12:08:42 PM Mr. Browne
12:09:13 PM Roll call
12:10:11 PM CS/SB 342 is reported favorably
12:10:16 PM Tab 11 CS/SB 508 Family Empowerment Scholarship Program by Senator Jones
12:10:22 PM Senator Jones explains the bill
12:10:29 PM Late-filed Amendment Barcode 655878
12:11:23 PM Without Objection-introduced
12:11:27 PM Senator Jones
12:11:42 PM Amendment is adopted
12:12:11 PM Back on the Bill
12:12:17 PM Senator Davis
12:12:23 PM Senator Jones
12:13:34 PM Senator Davis
12:13:38 PM Senator Jones
12:14:01 PM Appearance Forms
12:14:05 PM Kylie Daum, League of Women's Voters of Florida, waives
12:14:08 PM Karen Mazzola, FL PTA, waives
12:14:11 PM Nancy Lawther waives
12:14:18 PM Crystal Etienne waives
12:14:26 PM Senator Jones
12:14:36 PM Roll call
12:15:18 PM CS/CS/SB 508 is reported favorably
12:15:23 PM Tab 14 CS/SB 626 Council on the Social Status of Black Men and Boys by Senator Osgood
12:15:32 PM Senator Osgood explains the bill
12:16:05 PM Roll call
12:16:41 PM CS/SB 626 is reported favorably
12:16:48 PM Tab 15 CS/SB 656 Health Care Billing and Collection Activities by Senator Rodriguez
12:16:55 PM Senator Rodriguez explains the bill
12:17:02 PM Amendment Barcode 171482
12:17:16 PM Senator Rodriguez
12:17:24 PM Amendment is adopted
12:17:44 PM Back on the Bill
12:17:48 PM Appearance Form
12:17:55 PM Ron Laface waives
12:18:12 PM Roll call
12:18:54 PM CS/CS/SB 656 is reported favorably
12:19:00 PM Tab 17 CS/SB 710 Public Records/Crime Stoppers Organizations by Senator Osgood
12:19:10 PM Senator Osgood explains the bill
12:19:45 PM Roll call
12:20:26 PM CS/SB 710 is reported favorably
12:20:30 PM Tab 18 SB 726 False Reporting by Senator Ingoglia
12:20:39 PM Senator Ingoglia explains the bill
12:21:09 PM Appearance Forms
12:21:14 PM Emily Perez waives
12:21:22 PM Lilly Nalls waives
12:21:24 PM Molly Hudson, Volusia County Sheriff's Office, waives
12:21:27 PM Isabela Hodge waives
12:21:27 PM Christopher Holton, Center for Security Policy, waives
12:21:48 PM Alexis Robinson waives
12:21:57 PM Roll call
12:22:36 PM SB 726 is reported favorably
12:22:37 PM Tab 22 CS/CS/SB 784 Platting by Senator Ingoglia
12:23:05 PM Senator Ingoglia explains the bill

12:23:11 PM Late-filed Amendment Barcode 908718
12:23:59 PM Without Objection -introduced
12:24:08 PM Senator Ingoglia
12:24:55 PM Amendment to the Amendment Barcode 250526
12:25:05 PM Senator Ingoglia
12:25:26 PM Amendment to the Amendment is adopted
12:25:31 PM Back on Main Amendment Barcode 908718
12:25:44 PM Amendment is adopted
12:25:59 PM Back on the Bill
12:26:02 PM Appearance Form
12:26:09 PM Brendan Burke, Florida Home Builders Association, waives
12:26:24 PM Roll call
12:27:05 PM CS/CS/CS/SB 784 is reported favorably
12:27:06 PM Tab 23 CS/CS/SB 832 Former Phosphate Mining Lands by Senator Burgess
12:27:23 PM Senator Burgess explains the bill
12:27:34 PM Appearance Forms
12:28:05 PM Jim Spratt, Florida Fertilizer & Agricultural Association, waives
12:28:12 PM Colton Madill, Florida Chamber of Commerce, waives
12:28:16 PM Andrew Liebert, Polk County, waives
12:28:21 PM Cameron Fink, Associated Industries of Florida, waives
12:28:31 PM Pierce Schuessler, Florida Rural Economic Development Association, waives
12:28:33 PM Ernie Barnett, Fla Land Council, waives
12:28:48 PM Roll call
12:29:25 PM CS/CS/SB 832 is reported favorably
12:29:33 PM Tab 26 SB 952 Restrictions on Firearms and Ammunition During Emergencies by Senator Ingoglia
12:29:43 PM Senator Ingoglia explains the bill
12:29:49 PM Senator Berman
12:30:13 PM Senator Ingoglia
12:30:18 PM Appearance Forms
12:30:25 PM Jed Carroll, GunOwners of America, waives
12:30:33 PM Luis Valdes, GunOwners of America, waives
12:30:41 PM Kelby Seanor, National Rifle Association, waives
12:30:53 PM Roll call
12:31:33 PM SB 952 is reported favorably
12:31:39 PM Tab 30 CS/CS/SB 1346 Fentanyl Testing by Senator Polsky
12:31:50 PM Senator Berman explains the bill
12:32:29 PM Roll call
12:33:20 PM CS/CS/SB 1346 is reported favorably
12:33:33 PM Tab 42 CS/CS/SB 1828 Trespass by Senator Martin
12:33:40 PM Senator Martin explains the bill
12:33:59 PM Amendment Barcode 667748
12:34:21 PM Senator Martin
12:34:31 PM Appearance Form
12:34:39 PM Erin Ballas, Miami Dade Sheriff, waives
12:34:46 PM Amendment is adopted
12:34:48 PM Back on the Bill
12:34:52 PM Appearance Form
12:34:58 PM Erin Ballas, Miami Dade Sheriff, waives
12:35:10 PM Roll call
12:35:52 PM CS/CS/SB 1828 is reported favorably
12:36:00 PM Tab 43 SB 7008 OGSR/Financial Technology Sandbox by Banking & Insurance
12:36:10 PM Senator Ingoglia explains the bill
12:36:44 PM Roll call
12:37:23 PM SB 7008 is reported favorably
12:37:27 PM Tab 44 CS/SB 7010 OGSR/Department of Financial Services by Governmental Operations
12:37:37 PM Senator Ingoglia explains the bill
12:38:23 PM Roll call
12:39:06 PM CS/SB 7010 is reported favorably
12:39:13 PM Tab 45 SB 7018 OGSR/ parental Consent Requirements Before Terminating a Pregnancy by Health Policy
12:39:45 PM Senator Burton explains the bill
12:39:52 PM Roll call

12:40:31 PM CS/SB 7018 is reported favorably
12:40:35 PM Tab 46 Confirmation Hearing
12:40:44 PM Commission on Ethics: Tina Descovich
12:40:55 PM Senator Pizzo
12:41:15 PM Chair Passidomo
12:41:19 PM Senator Pizzo
12:41:23 PM Chair Passidomo
12:41:26 PM Senator Pizzo
12:41:32 PM Chair Passidomo
12:41:44 PM Senator Berman
12:41:54 PM Chair Passidomo
12:41:58 PM Senator Berman
12:42:06 PM Chair Passidomo
12:42:13 PM Senator Pizzo
12:42:21 PM Chair Passidomo
12:42:38 PM Senator Pizzo
12:42:50 PM Chair Passidomo
12:43:13 PM Senator Pizzo
12:43:23 PM Chair Passidomo
12:43:32 PM Senator Gaetz
12:44:32 PM Chair Passidomo
12:44:59 PM Senator Gaetz
12:45:23 PM Chair Passidomo
12:45:28 PM Senator Pizzo
12:45:50 PM Senator Harrell
12:46:21 PM Chair Passidomo
12:47:06 PM Senator Boyd
12:47:21 PM Senator Berman
12:48:37 PM Senator Davis
12:49:33 PM Senator Rouson
12:50:10 PM Chair Passidomo
12:50:51 PM Senator Boyd recommends confirmation
12:50:58 PM Roll call
12:51:01 PM Confirmation favorable
12:51:39 PM Vote After Motions
12:51:48 PM Senator Osgood
12:52:05 PM Senator Jones
12:52:30 PM Senator Gaetz
12:52:40 PM Senator Bradley
12:52:46 PM Senator Gruters
12:52:51 PM Senator Martin
12:52:59 PM Senator Burgess
12:53:05 PM Senator Pizzo
12:53:11 PM Senator Davis
12:53:21 PM Senator DiCeglie
12:53:24 PM Without objection motion adopted
12:53:41 PM Senator Burton moves we adjourn
12:53:48 PM Meeting adjourned